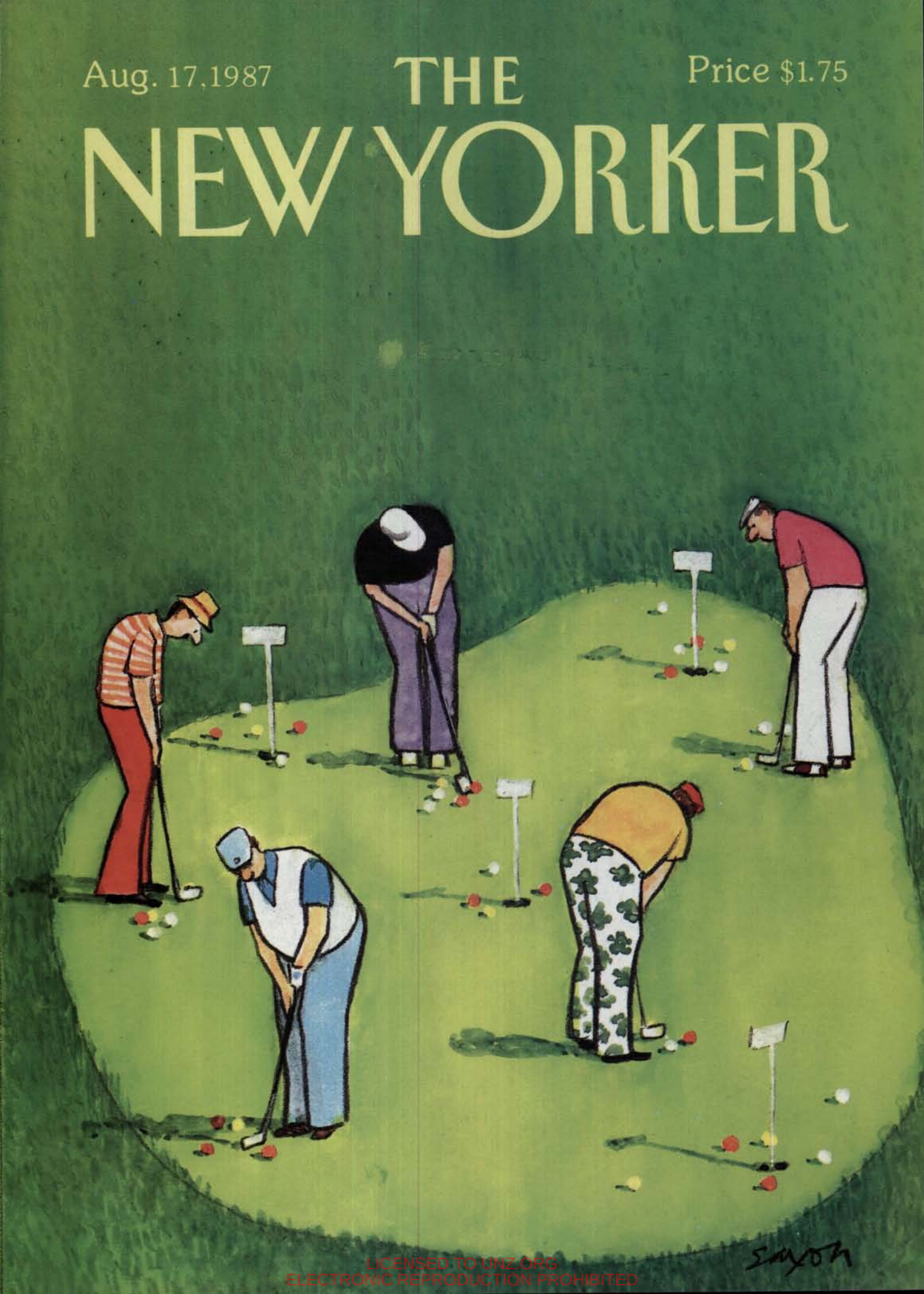
Aug. 17, 1987

THE NEW YORKER

Price $1.75



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE BOLD LOOK OF KOHLER.

The Uccello™ console table, of classic sculptured bronze with marble top, recalls the formal fountains found only in other times, on other continents. Acquire it in your lifetime to enhance your bath, dressing or powder room. Shown with IV Georges Brass™ faucet in polished brass. See the Yellow Pages for a Kohler Registered Showroom or send $3 for a catalog to Kohler Co., Department AU8, Kohler, Wisconsin 53044.

©7022 Copyright 1987 Kohler Co.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thanks to you,

The changes we've made in Lands' End women's wear are constructive.

Literally.

In the past, our guiding principle in women's wear has been "man tailoring." That is, giving our women customers the same type of scrupulous tailoring that our men customers enjoy.

But recently, some of your comments, over the phone and on paper, have caused us to soften our stance. And our pants. And our sportcoats!

Your comments boiled down to this.

You've long known, as have we, that "man tailoring" is more impeccable in women's pants, but it can have drawbacks for women who aren't built "straight up and down." The waistline often turns out to be too big or too small. Moreover, "man tailored" pant legs can be both too wide and too straight. (Sound familiar? Bear with us.)

As to sportcoats, you tell us that as you go up the size range from 6 to 16, the jacket gets wider at the middle and bottom, but NOT through the shoulders and chest. Result: a short, square, boxy shape—a young boy's cut that takes no cognizance of a woman's more graceful contours.

We took it all to heart, and then to our sources.

Could women's wear tailors solve the problems? We found they had neither the inclination nor the actual equipment to provide the kind of quality we require. And the men's wear tailors? They found it hard to accept the idea of softer, less tailored styles. And again, lacked the equipment needed to execute them.

So, confronted with this temporary impasse, our canny women's wear people in Dodgeville went back to the drawing board. Bit by bit they contrived their answers to your concerns. An "alternative fit" pant, with a contoured waistband, tapered legs, and a softening of tailoring details inside.

And in sportcoats: a softening of the coat, corrected fit through the size range, and a new softly pressed lapel that affords a nicer look than either a rolled lapel or a severely pressed one.

Having made these decisions, we acted.

We confronted both our men's wear and women's wear tailors with our ultimata. And in the end, they saw the sense of it all. And are now as pleased with their end result as if they'd initiated it, which is fine with us.

The bottom line? Whether you choose the traditional "man tailored" styles we've always offered in our catalog, or our new "alternative fit" styles, you get the best of both worlds. The fit you prefer, and the quality fabric and tailoring we insist upon. All at prices that represent real value. And all backed by our emphatic guarantee of satisfaction: GUARANTEED. PERIOD.®

But, of course, you must have the catalog to make your choice. If you don't, mail in the coupon below. Or save the price of a stamp by calling toll-free 1-800-356-4444.

LANDS' END
DIRECT MERCHANTS

Please send free catalog.
Lands' End Dept. G-B5
Dodgeville, WI 53595

Name _____

Address _____

City _____

State _____ Zip _____

Or call Toll-free:
1-800-356-4444

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOINGS ON ABOUT TOWN

AMBASSADOR COLLEGE LIBRARY
Big Sandy, Texas

A CONSCIENTIOUS CALENDAR OF EVENTS OF INTEREST

THE THEATRE

PLAYS AND MUSICALS

Broadway Bound—A touching and unexpectedly serious study of a family—presumably the playwright's—as it begins to fall apart in Brooklyn in the nineteen-forties. Neil Simon retains his accustomed skill at comedy but has wisely suppressed his weakness for sure-fire gags. Linda Lavin is superb as the troubled mother; also in the cast are Philip Sterling, John Randolph, and Phyllis Newman. Gene Saks directed. (Reviewed in our issue of 12/15/86.) (Broadhurst, 235 W. 44th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Dreamgirls—A return engagement of Michael Bennett's 1981 musical. Tom Eyen wrote the book and lyrics, and Henry Krieger wrote the music. (Ambassador, 215 W. 49th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Driving Miss Daisy—Alfred Uhry's play is more a sentimental than a dramatic occasion, which tells, in a series of brief scenes, of the growing attachment of a cranky old woman in Atlanta to her black chauffeur. What gives the evening distinction is the performance—the fine acting of Dana Ivey and Morgan Freeman, under Ron Lagomarsino's direction. (4/27/87) (John Houseman, 450 W. 42nd St. 564-8038. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Fences—August Wilson's play about a black garbageman, formerly a baseball player of professional calibre, is as powerful as, and even richer than, his "Ma Rainey's Black Bottom." The triumphant performance, with James Earl Jones in the leading role, supported by Mary Alice, Courtney B. Vance, Frankie R. Faison, Ray Aranha, Charles Brown, and Karima Miller, was directed by Lloyd Richards. (4/6/87) (46th Street Theatre, 226 W. 46th St. 246-0102. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

The Garden of Earthly Delights—A return engagement of a heavenly theatre piece, seen here in 1984, that uses every resource of the theatre except words—dance, pantomime, acrobatics, clowning, and music. Based on the Hieronymus Bosch painting, it was conceived by its choreographer and director, Martha Clarke; its composer, Richard Peaslee; and the Music-Theatre Group from the Lenox Arts Center. It is a triumph for everyone concerned. (Minetta Lane Theatre, 18-22 Minetta Lane, east of Sixth Ave., between W. 3rd and Bleecker Sts. 420-8000. Tuesdays and Wednesdays at 7:30 and 9:30; Thursdays at 8; and Fridays and Saturdays at 7:30 and 9:30. Closes Saturday, Aug. 22.)

Holy Ghosts—The final offering of the 1987 American Theatre Exchange is a production of Romulus Linney's 1971 play, by the San Diego Repertory Theatre. (Theatre 890, Broadway at 19th St. Mondays through Fridays at 8, and Saturdays at 9. Matinées Saturdays at 5, and Wednesday, Aug. 19, at 2. Closes Saturday, Aug. 29. For information about tickets, call 242-0800.)

Jackie Mason's "The World According to Me!"—Jackie Mason's material consists almost entirely of outrageous insults addressed to Jews, Italians, Poles, Puerto Ricans, and Wasps. For more than thirty years, Mason's audiences—that is, his victims—have found him hilarious, and the sorry truth of the matter is that he *is* hilarious. (Brooks Atkinson, 256 W. 47th St. 719-4099. Tuesdays through Saturdays at 8. Matinées Saturdays at 2 and Sundays at 3; special matinée Wednesday, Aug. 19, at 2.)

Les Liaisons Dangereuses—An exquisite production by the Royal Shakespeare Company of Christopher Hampton's adapation of the scandalous 1782 novel by Choderlos de Laclos. With fine performances by Alan Rickman, Lindsay Duncan, Suzanne Burden, and Lucy Aston in the leading roles. Howard Davies was the deft director. (5/11/87) (Music Box, 239 W. 45th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

S	M	T	W	T	F	S
			12	13	14	15
16	17	18	19	20	21	22

Light Opera of Manhattan—Presenting **Give My Regards to Broadway**, a musical loosely adapted by Raymond Allen, Jerry Gotham, and Todd Ellison from George M. Cohan's "Little Johnny Jones." (Playhouse 91, at 316 E. 91st St. 831-2000. Wednesdays through Saturdays at 8. Matinées Wednesdays at 2, and Saturdays and Sundays at 3:30.)

Les Misérables—Colm Wilkinson is a strong Jean Valjean and Terrence Mann is his strong pursuer Javert in the musical adaptation of the Victor Hugo novel, which comes to us from France by way of England. The real standouts of the production, however, are the settings, by John Napier, and the lighting, by David Hersey. But even these, remarkable though they are, are not sustaining enough for the three and a half hours that the show runs. (3/23/87) (Broadway Theatre, Broadway at 53rd St. 239-6200. Nightly, except Sundays, at 8. Matinées Saturdays at 2.)

Moms—A celebration of the great black comedienne Moms Mabley, as impersonated by Clarice Taylor. (Astor Place Theatre, 434 Lafayette St. 254-4370. Tuesdays through Saturdays at 8, and Sundays at 7:30. Matinées Saturdays at 2 and Sundays at 3.)

Negro Ensemble Company—A revival of Trevor Rhone's 1985 farce **two can play**, with Hazel Medina and Sullivan H. Walker. (Theatre Four, 424 W. 55th St. 246-8545. Wednesdays through Fridays at 8; Saturdays at 8:30; and Sundays at 7. Matinées Wednesdays at 2; Saturdays at 3; and Sundays at 2:30. Closes Sunday, Aug. 30.)

The Nerd—This farce by the late Larry Shue (author of "The Foreigner") is a source of laughter from beginning to end. It tells the story of an idiotic young man who almost becomes the permanent house guest of an inoffensive architect. Robert Joy gives a first-rate comic performance in the title role. (4/6/87) (Helen Hayes, 240 W. 44th St. 944-9450. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Psycho Beach Party—This romp through early-sixties beach-blanket movies, written by Charles Busch—and significantly funnier than Mr. Busch's earlier work—uses the conventions of drag comedy to lampoon the mores and assumptions of heterosexual behavior. The production—which stars Mr. Busch as a Gidget-like figure with a Marnie-like problem—is directed by Kenneth Elliott and includes a dance number that may single-handedly bring back the limbo. (8/10/87) (Players, 115 Macdougal St. 254-5076. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

Sherlock's Last Case—A play by Charles Marowitz, with Frank Langella as Holmes and Donal Donnelly as Watson. Directed by A. J. Antoon. Previews through Wednesday, Aug. 19. Opens officially on Thursday, Aug. 20. (Nederlander, 208 W. 41st St. 921-

TABLE OF CONTENTS

THE TALK OF THE TOWN 15
"JAWS" . . . . . *Donald Barthelme* 20
"AN ABSENCE OF COUSINS" . . . . . *Lore Segal* 22
"MIDSUMMER" (POEM) . . . . . *Sherod Santos* 26
ANNALS OF LAW (THE SOLICITOR GENERAL, PART II) . . . . . *Lincoln Caplan* 30
THE THEATRE . . . . . *Edith Oliver* 63
A REPORTER AT LARGE (MOUNTAIN ACCIDENT) . . . . . *E. J. Kahn, Jr.* 64
BOOKS . . . . . *Whitney Balliett* 71

COVER: *Charles Saxon*

DRAWINGS: *Michael Crawford, Donald Reilly, James Stevenson, Charles Saxon, Dean Vietor, Mischa Richter, Robert Mankoff, Tom Cheney, Robert Weber, Jack Ziegler, J. B. Handelsman, Lee Lorenz, Charles Addams, W. B. Park, George Booth, Frank Modell, Mick Stevens, Warren Miller, Richard Cline*

RECEIVED
AUG. 13
Ambassador College

THE NEW YORKER
25 WEST 43RD STREET, NEW YORK, N.Y. 10036
(212) 840-3800

SUBSCRIPTION SERVICE

To inquire about a subscription or to change an address, please write to The New Yorker, Box 56447, Boulder, Colorado 80322, or telephone 1-800 525-0643 (in Colorado 303 447-9330). For a change of address, subscribers should give four weeks' notice. If possible, please send the address label from a recent issue.

THE NEW YORKER (ISSN 0028-792X), published weekly by The New Yorker Magazine, Inc., 25 W. 43rd St., N.Y., N.Y. 10036; Steven T. Florio, president and publisher; Jonathan E. Newhouse, executive vice-president; Rebecca Wesson Darwin, vice-president and associate publisher; Sam R. Spoto, vice-president; Stuart H. Jason, vice-president and treasurer; Ruth A. Diem, vice-president and human resources director; Lynn W. Guthrie, advertising director; Frank Mustacato, circulation director. Branch advertising offices: 111 East Wacker Drive, Chicago, Ill. 60601; 41 Osgood Place, San Francisco, Calif. 94133; Suite 2360, 5900 Wilshire Blvd., Los Angeles, Calif. 90036; 67½ Chestnut St., Boston, Mass. 02108; 19 South Audley St., London, W1Y 5DN. Metropolitan Publishers Representatives: 3017 Piedmont Road, NE, Atlanta, GA 30305; 2500 So. Dixie Highway, Miami, FL 33133; 3016 Mason Place, Tampa, FL 33629. Vol. LXIII, No. 26, August 17, 1987. Second-class postage paid at New York, N.Y., and at additional mailing offices. Authorized as second-class mail by the Post Office Department, Ottawa, Canada, and for payment of postage in cash.

© 1987 by The New Yorker Magazine, Inc., in the United States and Canada. All rights reserved. No part of this periodical may be reproduced without the consent of The New Yorker. Printed in U.S.A.
Subscription rates: In U.S. and possessions, one year, $32.00; two years, $52.00. In Canada, one year, $50.00. Other foreign, one year, $56.00, payable in advance. POSTMASTER: Send address changes to The New Yorker, Box 56447, Boulder, Colorado 80322.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

© 1979 Clinique Laboratories, Inc.

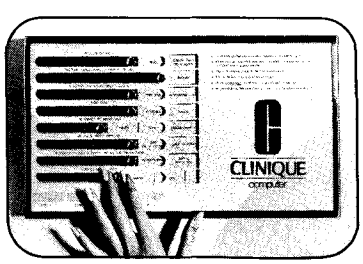
Ever So Gently.

Most experienced dermatologists today believe you should wash your face with soap.

Clinique Soap does this job carefully. Cleanses your face gently without overdoing it—without leaving skin taut or dry. Clinically formulated, this soap knows exactly what to do. How hard to work. Where to stop.

Clinique Soap comes in two strengths: Soap Mild for dry to normal skin, Soap Extra-Strength for oily skin. You learn which to use from the Clinique Computer—a service available at no charge, wherever Clinique is sold.

Clinique Soap is no prima donna. Using it is pleasant and rinsing it off is easy. This soap leaves your face clean and fresh. It's where good skin starts.



CLINIQUE

Allergy Tested
100% Fragrance Free

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOINGS ON ABOUT TOWN

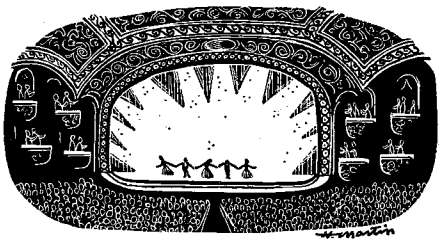
8000. Nightly, except Sundays, at 8; opening-night curtain at 6:15. Matinées Wednesdays and Saturdays at 2.)

STARLIGHT EXPRESS—A bore on roller skates. (3/30/87) (Gershwin, 51st St. west of Broadway. 586-6510. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

STEEL MAGNOLIAS—The setting of this first play by Robert Harling is a beauty shop in a small town in Louisiana, and much of the content is the often amusing, wisecracking chatter of the proprietress, her assistant, and four steady customers. A rather pathetic story is told, as well. The performances are good, especially those of Betsy Aidem, Rosemary Prinz, and Kate Wilkinson. The impressive setting was designed by Edward T. Gianfrancesco; Pamela Berlin directed. (Reviewed in this issue.) (Lucille Lortel, 121 Christopher St. 924-8782. Tuesdays through Fridays at 8; Saturdays at 6 and 10; and Sundays at 7:30. Matinées Sundays at 3.)

TALK RADIO—The gifted Eric Bogosian appears in a strong and funny play of his own as the scornful host of a phone-in radio talk show. (6/8/87) (Public, 425 Lafayette St. 598-7150. Nightly, except Mondays, at 8. Matinées Saturdays and Sundays at 3.)

LONG RUNS—BIG RIVER: William Hauptman and Roger Miller have drawn a pleasantly sentimental musical out of "The Adventures of Huckleberry Finn," and Mark Twain in Heaven has reason to be satisfied with the results. (Eugene O'Neill, 230 W. 49th St. 246-0220. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **LA CAGE AUX FOLLES:** A musical about a pair of tenderhearted middle-aged lovers presiding over a drag-queen night club in Saint-Tropez; the production is one of the most beautiful—and extravagant—ever to reach Broadway. Jerry Herman wrote the music and lyrics; the book is by Harvey Fierstein. (Palace, Broadway at 47th St. 757-2626. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **CATS:** Some twenty poems about cats by T. S. Eliot, set to music by Andrew Lloyd Webber. A mighty spectacle about mighty little, owing its effectiveness to Trevor Nunn's direction and to the sets and costumes by John Napier. (Winter Garden, Broadway at 50th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **A CHORUS LINE:** A group of young dancers audition for a handful of chorus jobs in a show not yet in rehearsal, and by the time the evening is over we know everything about all of them. (Shubert, 225 W. 44th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **COASTAL DISTURBANCES:** Tina Howe's funny and beautiful play about love is set on a private beach on Massachusetts' North Shore. Carole Rothman was the director. (Circle in the Square, 50th St. west of Broadway. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **THE COMMON PURSUIT:** Six Cambridge undergraduates, in the sixties, plan to launch a literary magazine in accordance with the rigorous standards of the critic F. R. Leavis, and in the ensuing twenty years manage to breach those standards. Simon Gray's play, while not especially original, is consistently entertaining. (Promenade, Broadway at 76th St. 580-1313. Tuesdays through Saturdays at 8, and Sundays at 7:30. Matinées Saturdays and Sundays at 3. Closes Sunday, Aug. 23.) . . . **THE FANTASTICKS:** 11,360 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **42ND STREET:** A musical based on the old Warner Brothers movie, and by no means an improvement on it. Directed and choreographed by the late Gower Champion. (St. James, 246 W. 44th St. 398-0280. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **I'M NOT RAPPAPORT:** Herb Gardner's synthetic, though often entertaining, comedy about two old men who share a bench in Central Park, starring Jack Klugman and Ossie Davis. (Booth, 222 W. 45th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **LITTLE SHOP OF HORRORS:** Based on Roger Corman's 1960 horror quickie about a man-eating plant, this exuberant, jokey musical is wholly free of camp. The score is by Alan Menken, and Howard Ashman directed and wrote the book and lyrics. Martin P. Robinson designed the menacing plant. (Orpheum, 126 Second Ave., at 8th St. 239-6200. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **ME AND MY GIRL:** An infelicitously rehabilitated British musical out of the thirties, with Jim Dale in the starring role. (Marquis, Broadway at 45th St. 947-0033. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **NUNSENSE:** A musical comedy by Dan Goggin. (Douglas Fairbanks, 432 W. 42nd St. 239-4321. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **OH! CALCUTTA!:** A collection of short sketches that purport to give us a refreshing view of sex and do not. (Edison, 240 W. 47th St. 302-2302. Mondays through Fridays at 8; Saturdays at 7 and 9:30; and Sundays at 7. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)



S	M	T	W	T	F	S
			12	13	14	15
16	17	18	19	20	21	22

MISCELLANY

FESTIVAL LATINO IN NEW YORK—A theatrical *celebración,* featuring plays from Latin America. *All performances are in Spanish.* The schedule: "La Tragicomedia de Calisto y Melibea," adapted by Miguel Sabido and Margarita Villaseñor from a play by Fernando de Rojas. A production of Venezuela's Rajatabla company. Wednesday through Monday, Aug. 12-17, at 8. (Simultaneous-translation sets available on Saturday and Sunday, Aug. 15-16.) . . . ¶ "La Señorita de Tacna," by Mario Vargas Llosa, with Norma Aleandro. Friday through Sunday, Aug. 14-23, at 8. (Simultaneous-translation sets available Friday through Sunday, Aug. 14-16, and Saturday and Sunday, Aug. 22-23.) . . . ¶ "Los Payasos de la Esperanza," a 1977 play by Raúl Osorio and Mauricio Pesutic. A production of Chile's Taller Teatro Dos. Wednesday through Saturday, Aug. 19-22, at 8, and Sunday, Aug. 23, at 3 and 8. (Simultaneous-translation sets available Wednesday through Friday, Aug. 19-21.) . . . ¶ "Concerto en Hi-Fi," a musical revue by Mirelsa Modestti. Thursday through Saturday, Aug. 20-22, at 8, and Sunday, Aug. 23, at 3 and 8. (Public, 425 Lafayette St. 598-7150.) . . . **NOTE:** There will also be a program of Latin-American and Spanish films at the Metro Cinema, and of Argentine films at the Public's movie theatre. (See "The Movie Houses," starting on page 9, for dates.)

FORBIDDEN BROADWAY—A musical satire of Shubert Alley denizens. The lyrics to the song parodies are by Gerard Alessandrini. (Palsson's Upstairs, 158 W. 72nd St. 595-7400. Tuesdays through Thursdays at 8:30; Fridays and Saturdays at 8:30 and 11:30; and Sundays at 8:30. Closes Sunday, Aug. 30.)

NIGHT LIFE

(A highly arbitrary listing in which bold-face type is used to pick out a few of the more notable performers in town. . . . ¶ Musicians and night-club proprietors live complicated lives that are subject to last-minute change; it is therefore always advisable to call ahead.)

BALLROOM, 253 W. 28th St. (244-3005)—A big cabaret on the edge of Chelsea, in the heart of the fur and fashion-student districts. **JIM MORRIS** is a thirty-year-old comedian-impressionist. His first impression, he says, was of a New Jersey uncle who chewed his food funny. For the past six or seven years, he's been picking on Ronald Reagan. Morris's Reagan holds a press conference here at nine Tuesdays through Saturdays. You can pretend to be a reporter and ask him a question, and he will sing you a song from the good old days or do a soft-shoe or relay the information that is being transmitted to him through his hearing aid.

BLUE NOTE, 131 W. 3rd St., near Sixth Ave. (475-8592)—A really blue but not really New York jazz club; the idea for the brass plaques that are engraved with the names of visiting jazz stars and embedded in the blue tables appears to have been borrowed from Hollywood. Flutist **HERBIE MANN** & Jasil Brazz trade sets with a fusion outfit called Special EFX through Sunday, Aug. 16; pianist **JAMES WILLIAMS** leads a quintet on Monday, Aug. 17; and violinist **JOHN BLAKE'S** quartet alternates with **KENNY BURRELL'S** three-guitar quintet starting Tuesday, Aug. 18. Music after nine. Dining.

BOTTOM LINE, 15 W. 4th St., at Mercer St. (228-6300)—A vast pillared emporium that caters to various musical tastes and that accommodates people who like to stop having fun at ten-thirty or eleven as well as the conventional types who don't like to start until then. Wednesday, Aug. 12, British jazz-rock guitarist **JOHN MC LAUGHLIN** and Swedish bassist Jonas Hellborg; Thursday, Aug. 13, the **DESERT ROSE BAND,** a smooth California country-rock sextet (they look good in their rodeo-parade gear) led by ex-Byrd and ex-Flying Burrito Brother **CHRIS HILLMAN;** Friday, Aug. 14, **DONOVAN** and Cheryl Wheeler; Saturdays, Aug. 15 and 22, **BUSTER POINDEXTER & THE BANSHEES OF BLUE;** Sunday and Monday, Aug. 16-17, the **CRUSADERS,** a thirty-year-old jazz-funk operation co-piloted by pianist Joe Sample and saxophonist Wilton Felder; and Friday, Aug. 21, the Fugs and **ALLEN GINSBERG.** Shows Sundays through Thursdays at eight and eleven, and Fridays and Saturdays at eight-thirty and eleven-thirty. Dining.

BRADLEY'S, 70 University Pl., at 11th St. (228-6440)—A great up-close view from a bar-stool (unless there are a lot of standees, which is usually the case) of first-rate pianists and bassists. **JOANNE BRACKEEN** and **CALVIN HILL** collaborate through Saturday, Aug. 15, and on Monday, Aug. 17, **JACK WILSON** and **LEON (BOOTS) MALESON** go to work. Music from nine-forty-five. Dining.

CARLOS I, 432 Sixth Ave., at 10th St. (982-3260)—Long communal tables swathed in pink and a bandstand panelled in oak. An Afro-Caribbean jazz festival, under the direction of Cuban trumpeter and bandleader Mario Bauza, is in progress: Wednesday and Thursday, Aug. 12-13, Batucada; Friday and Saturday, Aug. 14-15, the Mauricio Smith Orchestra, with Graciela; Sunday, Aug. 16, the Joe Santiago Ensemble, with conga drummer **CARLOS (PATATO) VALDEZ;** Tuesday and Wednesday, Aug. 18-19, Thuli Dumakude; and Thursday and Friday, Aug. 20-21, the Spirit Ensemble. Mondays are set aside for the father-and-son guitar team of **BUCKY** and **JOHN PIZZARELLI.** Music from nine every night but Monday, when it begins at eight. Dining.

FAT TUESDAY'S, 190 Third Ave., at 17th St. (533-7902)—There's not a lot of elbow- or head-room in this downstairs jazz club, but the musicians sometimes make out-of-body travel possible. **SCOTT HAMILTON,** a thirty-two-year-old tenor saxophonist whose big, luxuriant tone has led people to imagine that they are hearing Coleman Hawkins or Ben Webster or some other Swing Era ghost, will be here starting Tuesday, Aug. 18, with a sextet that includes seventy-two-year-old tenor man **FLIP PHILLIPS.** The Hamilton combo will be preceded by guitarist **BILL FRISELL'S** quartet on Wednesday, Aug. 12, and by guitarist Carlos Barbosa-Lima and pianist **BOBBY SCOTT** Thursday through Sunday, Aug. 13-16. Mondays remain in the hands of guitarist **LES PAUL.** Music from eight every night but Monday, when it begins at nine. Dining.

GREENE STREET, 101 Greene St. (925-2415)—Only slightly smaller than an airplane hangar but

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ARAMIS ANNOUNCES

NUTRIPLEXX®

A SURVIVAL STRATEGY FOR THINNING HAIR

It can help you keep fuller, thicker, healthier looking hair for as long as possible.

© Aramis Inc., 1987

FACT:

Penetrates to energize and revitalize scalp and follicles from which hair grows.

FACT:

In laboratory findings, 65% of men tested reported their hair looked and felt thicker after 90 days.

FACT:

No hormones. No prescription drugs. No medical supervision. No twice-a-day applications.

FACT:

The sooner you start, the sooner you see benefits. The longer you use it, the longer benefits continue.

Important: NUTRIPLEXX® treatment does not cure or prevent baldness or restore lost hair. But it can give you fuller, thicker, healthier looking hair for its entire natural life span.

To order, call toll free
1-800-345-3454
24 hours a day, 7 days a week.

Please specify
81-101 for 30 day supply.
81-100 for 90 day supply.

Saks Fifth Avenue

ARAMIS LAB SERIES • FRAGRANCE FREE

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOINGS ON ABOUT TOWN

considerably fancier. On clear nights, the piano, situated in a grove of palms in the south-central region of the dining room, is visible from the bar. The schedule: Wednesday, Aug. 12, Lynn Bernstein; Thursday through Saturday, Aug. 13-15, **MICKEY TUCKER;** Tuesday through Thursday, Aug. 18-20, Andy Laverne; and Friday and Saturday, Aug. 21-22, Richard Kimball. Sets begin at seven Tuesdays through Thursdays, and at seven-thirty on Fridays and Saturdays. Closed Mondays.

GREGORY'S, 1149 First Ave., at 63rd St. (371-2220)—A small, dark bar with ancient marching-band instruments on the walls, Art Tatum and Earl Hines on the jukebox, and an upright piano that seats four (not counting the pianist). Carla White sings with accompaniment from pianist **DON FRIEDMAN** and bassist Ed Howard through Saturday, Aug. 15. Sundays and Mondays are reserved for singer Stan Edwards' trio, and Tuesdays for guitarist **CHUCK WAYNE'S** threesome. Music from ten.

KNICKERBOCKER, 33 University Pl., at 9th St. (228-8490)—A busy corner bar and restaurant with a piano at the center of things. Pianist **KENNY BARRON** works with bassist **RON CARTER** through Saturday, Aug. 15; **JOANNE BRACKEEN** and **CALVIN HILL** take charge on Tuesday, Aug. 18. Harry Connick is on duty Sundays and Mondays. Music from nine-thirty.

KNITTING FACTORY, 47 E. Houston St., near Mulberry St. (219-3055)—Probably the only place in town that features avant-garde jazz, Breathe Easy medicinal tea, homemade yogurt, and smoothies. The schedule: Thursday, Aug. 13, alto saxophonist **TIM BERNE** and guitarist **BILL FRISELL;** Friday, Aug. 14, multi-instrumentalist **ELLIOTT SHARP,** bassist Dave Hofstra, and drummer Bobby Previte; Sunday, Aug. 16, saxophonist Rob Brown's trio; Monday, Aug. 17, saxophonist Charles Gayle's band; Wednesday, Aug. 19, **VINCENT CHANCEY** (French horn) and **J. D. PARRAN** (reeds); and Thursday through Saturday, Aug. 20-22, saxophonists **JOHN ZORN** and Tim Berne, bassist Mark Dresser, and drummer Bobby Previte, who will play some Ornette Coleman ditties. Music after nine.

LONE STAR CAFÉ, 61 Fifth Ave., at 13th St. (242-1664)—This hangout for homesick Texans, French tourists, and local yokels brags that it's "the biggest and best honky-tonk north of Abilene." Big it ain't, but it does feature some genuine honky-tonk music, a souvenir stand, and TV monitors (which permit you to watch the action onstage in case your view of it is blocked by a cowboy or a structural element). Wednesday, Aug. 12, Chicago bluesmen **BUDDY GUY** and **JUNIOR WELLS;** Thursday, Aug. 13, country-blues people **JESSIE MAE HEMPHILL** and Lazy Lester; Friday and Saturday, Aug. 14-15, **LONNIE MACK** and **EDDIE SHAW;** Tuesday, Aug. 18, **JOE (KING) CARRASCO,** the king of West Texas nuevo wavo; and Friday and Saturday, Aug. 21-22, the **OZARK MOUNTAIN DAREDEVILS** and the New Riders of the Purple Sage. Music after nine. Hot vittles.

MICHAEL'S PUB, 211 E. 55th St. (758-2272)—Unicorns and lions on the walls, well-heeled cats on the banquettes, and the fourteen-piece Great American Swing Band on the dais. The orchestra, which is directed by clarinettist Walt Levinsky and includes **FRANK WESS** (reeds), **URBIE GREEN** (trombone), **WARREN VACHÉ** (cornet), and **RANDY SANDKE** (trumpet), is concentrating on Benny Goodman charts. Shows at nine and eleven Tuesdays through Saturdays. On Mondays after nine-thirty, Woody Allen is likely to turn up to play clarinet with the New Orleans Funeral and Ragtime Orchestra. Dining. Closed Sundays.

MIKELL'S, 760 Columbus Ave., at 97th St. (864-8832)—A lively uptown bar and restaurant, with signed photographs of some swinging non-musicians on the walls (Reggie Jackson smiling shyly, Dave Winfield tuning up in the cage) and some heavy hitters on the bandstand. Guitarist Leni Stern's band performs on Friday and Saturday, Aug. 14-15. Music from about ten.

RITZ, 119 E. 11th St. (254-2800)—Fifty years ago, people practiced the jitterbug and the foxtrot in this ballroom; today's patrons listen mainly to rock, which issues from speakers the size of mobile homes, and sometimes engage in a combination of exercise and intimacy known as slam dancing. Wednesday, Aug. 12, Level 42; Thursday, Aug. 13,

S	M	T	W	T	F	S
			12	13	14	15
16	17	18	19	20	21	22

Nigerian juju-music master **COMMANDER EBENEZER OBEY;** and Friday and Saturday, Aug. 14-15, the **RAMONES.** Shows begin at nine Sundays through Thursdays, and at eleven Fridays and Saturdays. The club will be closed from Aug. 17 through Aug. 26.

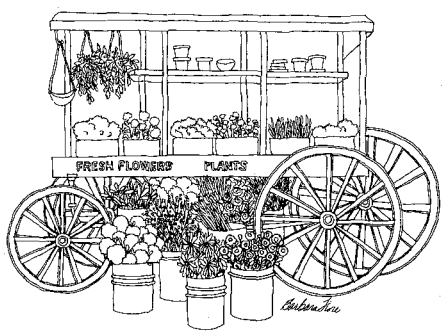
SOUNDS OF BRAZIL, 204 Varick St., at W. Houston St. (243-4940)—A musical melting pot: samba bands, African all-percussion ensembles, reggae outfits, out-there American jazz bands, and salsa groups all pass through this former luncheonette. Wednesday and Thursday, Aug. 12-13, R. & B. singer **ETTA JAMES;** Friday, Aug. 14, Dominican saxophonist **MARIO RIVERA & THE SALSA REFUGEES;** Saturday, Aug. 15, **MIKATA;** Tuesday and Wednesday, Aug. 18-19, Argentine bandonion whiz **ASTOR PIAZZOLLA** and his New Tango Quintet; Thursday, Aug. 20, **BUCKWHEAT ZYDECO,** a Mamou, Louisiana, band led by accordionist and former Clifton Chenier sideman **STANLEY (BUCKWHEAT) DURAL, JR.;** and Friday, Aug. 21, the Haitian dance band **TABOU COMBO.** Music from nine Tuesdays through Thursdays, and from eleven Fridays and Saturdays. Dining. Closed Sundays and Mondays.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—A convivial knotty-pine-and-brick-walled jazz room. **ABDULLAH IBRAHIM,** the expatriate South African pianist and composer known before his conversion to Islam as Dollar Brand, will be here with his fine, lilting seven-man band, **EKAYA,** every night but Monday. On Mondays, the **GIL EVANS ORCHESTRA,** with its white-haired leader conducting serenely from the piano bench, delivers shimmering sound-pictures of pieces by Mingus, Hancock, Jimi Hendrix, and others. Shows from about ten. Dining.

SWEETWATERS, 170 Amsterdam Ave., at 67th St. (873-4100)—A sleek, multitiered jazz, soul, and rock room. The **COASTERS,** the rock-and-humor vocal group for whom Leiber and Stoller wrote "Yakety Yak," "Charlie Brown," and "Little Egypt," perform here Thursday through Saturday, Aug. 13-15. Music from nine. Dining.

TRAMPS, 125 E. 15th St. (777-5077)—"Irish" is what the canopy above the entrance to this bar says, but rock and roll is what the boys and girls in the back room mainly do. Thursday, Aug. 13, the **SURREAL MC COYS** and the Auburnaires; Friday, Aug. 14, blues pianist **KATIE WEBSTER;** Saturday, Aug. 15, Bruce Daigrepont; Sunday, Aug. 16, Skullie, with Blondie Chaplin, and Bonnie & the Lads; Monday, Aug. 17, Roamin' Ants and Persian Gulf; Tuesday, Aug. 18, Funk Philharmonik; Thursday, Aug. 20, the **UPTOWN HORNS,** the **CUCUMBERS,** Hide the Babies, and others; and Friday and Saturday, Aug. 21-22, bluesman **EDDIE KIRKLAND.** Shows after nine-thirty.

VILLAGE GATE, 160 Bleecker St. (475-5120)—Monday nights in the gym-size downstairs room are reserved for salsa bands and their whistling, clapping, table-drumming fans. On Aug. 17, trumpet ace **JON FADDIS** will solo with orchestras led by trombonist-singer **WILLIE COLON** and singer **HECTOR LAVOE.** . . . ¶ One flight up in the Terrace Bar, you can listen to the piano-bass team of **JUNIOR MANCE** and **MARTY**



RIVERA nightly, except Mondays. Every Tuesday, the duo trades sets with jazz harpist **DAPHNE HELLMAN'S** trio. Music from ten.

VILLAGE VANGUARD, 178 Seventh Ave. S., at 11th St. (255-4037)—People from all over the world descend the stairs to this ancient jazz club; many of them later emerge from it in an excited condition. **ILLINOIS JACQUET** will be out in front of his mighty sixteen-piece band, playing swing-time tenor, singing a blues or two, and punching the air with cheerleaderly precision, through Sunday, Aug. 16. Trumpeter **RED RODNEY** arrives with his sextet on Tuesday, Aug. 18. On Mondays, the foreman of the **MEL LEWIS ORCHESTRA** settles in behind his Pearl drums and Istanbul cymbals and lets his crew rip. Music from ten.

WEST END, 2911 Broadway, at 113th St. (666-8750)—The big room in this student rest stop (Columbia U. is across the street) has a non-institutional cafeteria, a bar that can seat a marching band, and a jukebox. The smaller room has tables, booths, a couple of hanging plants, and live jazz. Jaron Eames sings with pianist **LLOYD MAYERS'** trio Thursday through Sunday, Aug. 13-16; on Wednesday, Aug. 19, saxophonist Percy France's band begins a five-night visit. On Mondays, comedians stand up and fall down. Shows from about nine. Dining.

ZINNO, 126 W. 13th St. (924-5182)—If you like pictures of cows, there's a good one here, by the British painter Malcolm Morley, of some Holsteins adrift in a Turneresque landscape. There's also jazz, which flows peaceably from a passageway between the front-room bar and the back-room restaurant. Cornettist **RUBY BRAFF,** pianist **JOHN BUNCH,** and bassist **MICHAEL MOORE**—three eloquent and graceful gents—work together through Saturday, Aug. 15; guitarists **JIMMY RANEY** and **JACK WILKINS** and bassist **JOHN GOLDSBY** take over on Monday, Aug. 17. Music from eight. Closed Sundays.

JAZZ / FOLK / ROCK CONCERTS, PERSONAL APPEARANCES, ETC.

PAT METHENY GROUP—Radio City Music Hall, Sixth Ave. at 50th St. 757-3100. Friday, Aug. 14, at 8.

SIOUXSIE & THE BANSHEES—Felt Forum, Madison Square Garden. 563-8300. Saturday, Aug. 15, at 8.

AL GREEN—With Tramaine and the New Jersey Mass Choir. (Radio City Music Hall. Saturday, Aug. 15, at 8.)

B. B. KING AND MILLIE JACKSON—With Bobby Blue Bland. (Beacon Theatre, Broadway at 74th St. 496-7070. Saturday, Aug. 15, at 8 and midnight.)

RUN D.M.C. AND THE BEASTIE BOYS—Madison Square Garden. Monday, Aug. 17, at 8.

MÖTLEY CRÜE—With Whitesnake. (Madison Square Garden. Thursday, Aug. 20, at 8.)

JAZZ CENTER OF NEW YORK—Friday and Saturday, Aug. 14-15, at 9 and 10:30: Carrie Smith. . . . ¶ Saturday, Aug. 22, at 9: The George Coleman quartet. (380 Lafayette St. 505-5660.)

ART

(Unless otherwise noted, galleries are open Mondays through Fridays from around 10 or 11 to between 5 and 6.)

GALLERIES

STUART DAVIS (1892-1964)—Watercolors and drawings. Through Saturday, Aug. 15. (Ryan, 452 Columbus Ave., at 81st St. Opens at noon.)

GROUP SHOWS—At the **ASSOCIATED AMERICAN ARTISTS,** 20 W. 57th St.: Prints dating from the sixteenth century to the present depicting various modes of transport. Through Sept. 3. . . . **CENTER FOR AFRICAN ART,** 54 E. 68th St.: More than a hundred African objects on loan from the Museum für Völkerkunde, in Munich. Through Sunday, Aug. 16. (Open Saturdays; opens Sundays at noon.) . . . **COLE,** 200 W. 57th St.: Prints of nudes by twenty-five American artists—Milton Avery, Isabel Bishop, Louis Lozowick, and Paul Landacre among them. Through Friday, Aug. 14. . . . **ESMAN,** 70 Greene St.: Paintings and sculptures by ten artists just arriving on the gallery scene. Through Sept. 15. (Closed Mondays; open Saturdays; open Wednesday eve-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nings until 8.) . . . KENT, 41 E. 57th St.: Richard Hamilton, Richard Artschwager, Nancy Dwyer, TODT, Justen Ladda, and others are represented by paintings combining text and images taken from the mass media. Through Friday, Aug. 14.

¶ Exhibitions of works by gallery members can also be seen at ALEXANDER, 59 Wooster St. . . . FOURCADE, 36 E. 75th St. (Closed Mondays.) . . . GRAHAM, 1014 Madison Ave., at 78th St. . . . GRUENEBAUM, 415 West Broadway. . . . LITTLEJOHN-SMITH, 133 Greene St. (Closed Mondays; open Saturdays.) . . . MARCUS, 578 Broadway. (Closed Mondays.) . . . STEINBAUM, 132 Greene St. (Closed Mondays; open Saturdays.)

PHOTOGRAPHY

GUSTAVE LE GRAY (1820-82) AND HENRI LE SECQ (1818-82)—Works by these paper-negative pioneers are at the Metropolitan. See below, under "Museums," for dates and times.

CINDY SHERMAN—The Whitney Museum has a ten-year survey of her photographs. See below, under "Museums," for dates and times.

GERMAN PHOTOGRAPHY OF THE EIGHTIES—About a hundred prints by fourteen artists who have eschewed the documentary tradition in photography; their works fall into three categories: symbolic, representational, and experimental. Through Sept. 6. (International Center of Photography, 1130 Fifth Ave., at 94th St. Tuesdays, noon to 8, with no admission charge after 5; Wednesdays through Fridays, noon to 5; Saturdays and Sundays, 11 to 6.) NOTE: A show of black-and-white prints by Bill Burke of Southeast Asia in the early eighties is also on view.

GROUP SHOWS—At LIEBERMAN & SAUL, 155 Spring St.: Works by gallery artists and others, among them Zeke Herman, Katherine Fishman, Michael Spano, and Brian Wood. Through Aug. 28. (Closed Mondays.) . . . WITKIN, 415 West Broadway: Chairs are the common denominator in this show of prints by more than sixty photographers. Through Friday, Aug. 21. (Closed Mondays.)

MUSEUMS AND LIBRARIES

METROPOLITAN MUSEUM, Fifth Ave. at 82nd St.—Two nineteenth-century French photographers—Gustave Le Gray (seascapes of the English Channel and the Mediterranean, and other prints) and Henri Le Secq (Chartres and Notre-Dame de Paris before their restorations, and other prints). Through Sunday, Aug. 16. . . . ¶ "Dance" is the title of the Costume Institute's show of men's and women's evening dress and accessories. Through Sept. 6. . . . ¶ The museum has gone through the roof to provide a sculpture garden with spectacular views over the treetops of Central Park. The rooftop sculpture garden (all twentieth-century works) is open through October. Free tickets are issued on a first-come, first-served basis. (Open daily except Mondays. Hours: Tuesdays through Sundays, 9:30 to 5:15, and Tuesday evenings until 8:45.)

MUSEUM OF MODERN ART, 11 W. 53rd St.—"Berlinart" covers paintings, plus photographs and handmade books, by artists (German and otherwise) who have been part of the Berlin art world in the past twenty-five years. Georg Baselitz, Markus Lüpertz, Rainer Fetting, Eva-Maria Schön, Jonathan Borofsky, William Eggleston, and others. Through Sept. 8. . . . ¶ A retrospective of works by the Italian industrial designer Mario Bellini, including computers, calculators, chairs, and lamps. Through Sept. 15. (Open daily, except Wednesdays, 11 to 6, and Thursday evenings until 9.) . . . NOTE: The museum's sculpture garden, at 14 W. 54th St., is open, free, on Fridays and Saturdays from 6 to 10, with musicians from the Juilliard School performing at 7:30.

GUGGENHEIM MUSEUM, Fifth Ave. at 89th St.—A retrospective show of the works of Joan Miró which includes paintings, objects, and works on paper. Through Aug. 23. (Open daily except Mondays. Hours: Tuesdays, 11 to 7:45, with no admission charge after 5; Wednesdays through Sundays, 11 to 4:45.)

WHITNEY MUSEUM OF AMERICAN ART, Madison Ave. at 75th St.—A large-scale exhibition of high-spirited sculptural tableaux by Red Grooms, including "City of Chicago," "Ruckus Manhattan," and "Ruckus Rodeo." Also, paintings, drawings, and prints. Through Oct. 18. . . . ¶ A show of Cindy Sherman's photographs dating from 1977 to the present. Through Oct. 4. (Open daily except Mondays. Hours: Tuesdays, 1 to 8, with no admission charge after 6; Wednesdays through Saturdays, 11 to 5; Sundays, noon to 6.)

BROOKLYN MUSEUM, Eastern Parkway—Paintings by twenty artists whose studios are in Brooklyn. Roxi Marsen, Dan Rice, George McNeil, and Irene Lipton are among them. Through Sept. 7. (Open daily, except Tuesdays, 10 to 5.) . . . NOTE: A jazz concert will be given in the museum's sculpture garden by Marian McPartland, piano, on Sunday, Aug. 16, at 3.

AMERICAN MUSEUM OF NATURAL HISTORY, Central Park W. at 79th St.—The museum's vast permanent collection of things old (fossils, skeletons, artifacts) is the main attraction just now. (Open daily. Hours: Mondays, Tuesdays, Thursdays, and Sundays, 10 to 5:45; Wednesdays, 10 to 9; Fridays and Saturdays, 10 to 9, with no admission charge after 5.)

AMERICAN CRAFT MUSEUM, 40 W. 53rd St.—A two-part exhibit of ceramics, with pieces by winners of the twenty-seventh national ceramics competition and by artists who influenced them, such as Mary Frank, Peter Voulkos, and Robert Arneson. Through Oct. 18. (Open daily except Mondays. Hours: Tuesdays, 10 to 8, with no admission charge after 5; Wednesdays through Sundays, 10 to 5.)

ASIA SOCIETY, Park Ave. at 70th St.—An exhibit surveying three thousand years of Chinese celadons, a family of ceramics that reached its peak in the hands of Sung-dynasty (960-1279 A.D.) artisans, who perfected the jadelike texture of the glaze. Bells, funerary urns, covered boxes, ewers, vases, and bottles—nearly ninety works in all. Through Sept. 6. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 11 to 6; Sundays, noon to 5.)

COOPER-HEWITT MUSEUM, Fifth Ave. at 91st St.—A show of decorative arts centering on the Parisian entrepreneur and Art Nouveau booster Siegfried Bing (1838-1905). The objects on display—painted porcelains by Edouard Vuillard, wall coverings by William Morris, prints by Edvard Munch—were among those seen in Bing's shop and workshop at 22 Rue de Provence. Through Oct. 11. . . . ¶ An exhibit of drawings done by the eighteenth-century Scottish architect Robert Adam for Kedleston Hall, a Neo-Palladian mansion in Derbyshire, which is considered his crowning achievement. Through Sept. 20. (Open daily except Mondays. Hours: Tuesdays, 10 to 9, with no admission charge after 5; Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

MUSEUM OF THE CITY OF NEW YORK, Fifth Ave. at 104th St.—A selection of early-nineteenth-century furniture by New York artisan Duncan Phyfe and his contemporaries. Through Aug. 23. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 10 to 5; Sundays, 1 to 5.)

NATIONAL ACADEMY OF DESIGN, 1083 Fifth Ave., at 89th St.—American landscape painting between 1865 and 1900 summed up in seventy-seven works—by Whistler, Eakins, Chase, Lilla Cabot Perry, and others. Through Sunday, Aug. 16. (Open daily except Mondays. Hours: Tuesdays, noon to 8, with no admission charge after 5; Wednesdays through Sundays, noon to 5.)

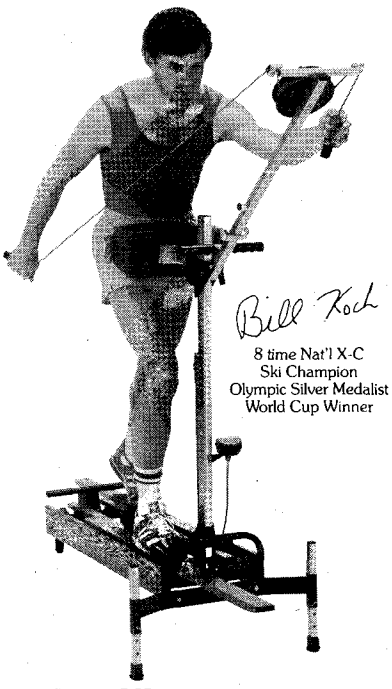
STUDIO MUSEUM IN HARLEM, 144 W. 125th St.—"Harlem Renaissance: Art of Black America," a show of two hundred paintings, sculptures, photographs, and prints, nearly all of them by five pivotal artists of the twenties—Aaron Douglas, William H. Johnson, Palmer Hayden, Meta Vaux Warrick Fuller, and James Van DerZee. Through Aug. 30. (Open daily except Mondays and Tuesdays. Hours: Wednesdays through Fridays, 10 to 5; Saturdays and Sundays, 1 to 6.)

ART AFTER DARK

(Performance, music, dance, video, film, and combinations thereof.)

P.S. 122, 150 First Ave., at 9th St. 477-5288—Black-Eyed Susan in "Saint Joan," and Ethyl Eichelberger in "The Tempest," Fridays through Sundays, Aug. 14-16 and 21-23, at 9.

NOTE—Dance performances. The Terry Beck Troupe in "Passerby," Thursday through Saturday, Aug. 13-15, at 8. . . . ¶ Alfred Desio will wear electronically amplified tap shoes in his performance "Zapped Taps," Monday and Tuesday, Aug. 17-18, at



Scientific Study Ranks NordicTrack #1

In tests of exercise efficiency at a major university, NordicTrack burned more calories and provided greater aerobic workouts.

Rank of Exercise Efficiency

1. NordicTrack X-C Ski Exerciser
2. An Exercise Bike
3. A Rowing Machine
4. A Shuffle-Type Ski Exerciser

NordicTrack's higher oxygen usage test scores show that more muscle mass is involved in the exercise and more calories are being burned.

It's Only Logical that NordicTrack Would Get the Highest Scores

- **because NordicTrack is more complete than an Exercise Bike.**
  Adds important upper body exercise. Provides more uniform leg muscle usage.
- **because NordicTrack is more thorough than a Rowing Machine.**
  NordicTrack's resistance is proportioned according to the individual muscle strength–no major muscles are over-stressed or under-worked.
- **because NordicTrack has inertial resistance not available on a Shuffle-Type Ski Exerciser.**
  Other ski exercisers use less efficient frictional resistance with a resulting calisthenics-like feeling. NordicTrack's unique flywheel resistance for a life-like feeling of smoothness and continuity is matched only by real skiing.

Burns Up To 600 Calories per 20 Minute Workout

Free Brochure, and New Video!

800-328-5888

Minnesota 612-448-6987

NordicTrack

© PSI 1986

141NY Jonathan Blvd. N., Chaska, MN 55318

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

8. . . . ¶ Georgia Stephens and Company in "Crosstalk," Thursday through Saturday, Aug. 20-22, at 8. (Dance Theatre Workshop, 219 W. 19th St. 924-0077.)

SPORTS

(The ticket-information number for the Meadowlands is 1-201 935-3900, for Shea Stadium 1-718 507-8499, and for Yankee Stadium 293-6000.)

Baseball—**METS** at Shea Stadium: Vs. Montreal, Wednesday, Aug. 12, at 1:35. . . . ¶ San Francisco, Tuesday and Wednesday, Aug. 18-19, at 7:35, and Thursday, Aug. 20, at 1:35. . . . ¶ San Diego, Friday, Aug. 21, at 7:35, and Saturday, Aug. 22, at 7:05. . . . **YANKEES** at Yankee Stadium: Vs. Cleveland, Friday and Saturday, Aug. 14-15, at 7:30, and Sunday, Aug. 16, at 1:30.

Football—Exhibition games—At Giants Stadium, the Meadowlands: Jets vs. Philadelphia Eagles, Saturday, Aug. 15, at 8. . . . ¶ Giants vs. Cleveland Browns, Saturday, Aug. 22, at 8.

Racing—At **MONMOUTH PARK,** Oceanport, N.J.: Weekdays, except Fridays, at 1:30. Races begin at 3 on Fridays. Through Saturday, Sept. 5. The Iselin Handicap, Saturday, Aug. 22. . . . **ATLANTIC CITY RACE COURSE,** McKee City, N.J.: Mondays and Wednesdays through Saturdays at 7; through Saturday, Sept. 5. . . . **SARATOGA:** Daily, except Tuesdays, at 1:30; through Monday, Aug. 31. The Alabama, Saturday, Aug. 15, and the Travers, Saturday, Aug. 22.

Trotting—At the **MEADOWLANDS:** Weeknights, except Saturday, Aug. 22, at 7:30; through Saturday, Aug. 22. Post time on the final day will be 1. . . . **ROOSEVELT RACEWAY:** Nightly at 7:30; through Wednesday, Oct. 14. . . . **SARATOGA RACEWAY,** Saratoga Springs: Weeknights at 7:45; through Saturday, Nov. 21.

MUSIC

New York City Opera—Wednesday evening, Aug. 12: "Tosca," with Elizabeth Holleque, Robert Grayson, and Robert McFarland; Alessandro Siciliani conducting. . . . ¶ Thursday evening, Aug. 13: "Cavalleria Rusticana," with Leslie Richards, Stefano Algieri, and Stanley Wexler; and "Pagliacci," with Margaret Cusack, John Absalom, Frederick Burchinal, and Robert McFarland. Sergiu Comissiona conducting. . . . ¶ Friday evening, Aug. 14: A new production of "Die Zauberflöte" ("The Magic Flute"), with Faith Esham, Rachel Rosales, Jon Garrison, and Stephen Dickson; Sergiu Comissiona. . . . ¶ Saturday matinée, Aug. 15: "Le Nozze di Figaro," with Elizabeth Hynes, Gianna Rolandi, Cynthia Rose, and Kurt Link; Scott Bergeson. . . . ¶ Saturday evening, Aug. 15: "Madame Butterfly," with Maria Spacagna, Jane Shaulis, Richard Leech, and Robert McFarland; Imre Pallo. . . . ¶ Wednesday evening, Aug. 19: "Die Zauberflöte," with Faith Esham, Rachel Rosales, Jon Garrison, and Stephen Dickson; Sergiu Comissiona. . . . ¶ Thursday evening, Aug. 20: "Madame Butterfly," with Maria Spacagna, Jane Shaulis, John Stewart, and Robert McFarland; Imre Pallo. . . . ¶ Friday evening, Aug. 21: "Le Nozze di Figaro," with Elizabeth Hynes, Gianna Rolandi, Cynthia Rose, and Kurt Link; Scott Bergeson. . . . ¶ Saturday matinée, Aug. 22: "Cavalleria Rusticana," with Leslie Richards, Stefano Algieri, and Stanley Wexler; and "Pagliacci," with Margaret Cusack, John Absalom, Frederick Burchinal, and Robert McFarland. Sergiu Comissiona conducting. . . . ¶ Saturday evening, Aug. 22: "Die Zauberflöte," with Faith Esham, Rachel Rosales, Jon Garrison, and Stephen Dickson; Scott Bergeson. (New York State Theatre. 870-5570. Evenings at 8. Matinées at 2. Through Sunday, Nov. 15.)

Mostly Mozart Festival—Final performances of the season. Wednesday, Aug. 12: George Cleve conducting the Mostly Mozart Festival Orchestra, with André Watts, piano. . . . ¶ Thursday, Aug. 13, and Saturday, Aug. 15: Gerard Schwarz conducting the Mostly Mozart Festival Orchestra, with Hei-Kyung Hong, Gail Dobish, and Kaaren Erickson, all sopranos, and Jerry Hadley and Michael Myers, tenors. . . . ¶ Friday, Aug. 14: Chamber music, with Pinchas Zukerman, violin and viola; Midori, violin; Paul Neubauer, viola; Ralph Kirshbaum, cello; Joaquin Valdepenas, clarinet; Marc Neikrug, piano; and Yefim Bronfman, piano. . . . ¶ Monday, Aug. 17: Mr. Zukerman violin, and Mr. Neikrug, piano. . . . ¶ Tuesday and Wednesday, Aug. 18-19: Gerard Schwarz conducting the Mostly Mozart Festival Orchestra, with Katia and Marielle Labèque, duo piano, and Matt Haimovitz, cello. . . . ¶ Thursday, Aug. 20: Chamber music, with Young Uck Kim, violin; Yo-Yo Ma, cello; and Emanuel Ax, piano. . . . ¶ Friday and Saturday, Aug. 21-22: Gerard Schwarz conducting the Mostly Mozart Festival Orchestra, with Jorge Bolet, piano, and Carol Vaness, soprano. (Avery Fisher Hall. 874-2424. Evenings at 8, with pre-concert recitals at 7.)

THE GREAT OUTDOORS

New York Shakespeare Festival—Free performances of the last two of three productions to be presented at the Delacorte Theatre this summer. Through Sunday, Aug. 16: **THE TWO GENTLEMEN OF VERONA,** with Elizabeth McGovern as Julia. . . . ¶ Starting Friday, Aug. 21, and running through Sunday, Sept. 13: **HENRY IV, PART I,** directed by Joseph Papp. (Central Park near W. 81st. St. Evenings at 8. For information about tickets, which are required, call 861-7277.)

Music Festival on the Pier—The Miller-beer people's summer series. Wednesday, Aug. 12, at 7:30: Al Jarreau and Chaka Khan. . . . ¶ Saturday, Aug. 15, at 7:30: Stevie Ray Vaughan and the Gregg Allman Band. . . . ¶ Wednesday, Aug. 19, at 7: Hot Tuna, Johnny Winter, and The Band. . . . ¶ Thursday, Aug. 20, at 7:30: The Monkees. . . . ¶ Saturday, Aug. 22, at 7:30: Los Lobos and the Smithereens. (Pier 84, Twelfth Ave. at 45th St. For information about tickets, call 249-8870.)

Damrosch Park, Lincoln Center—"DancEllington," with Mercedes Ellington and Harold Nicholas. (Wednesday and Thursday, Aug. 12-13, at 8:15.) . . . ¶ Dennis Wayne's Dancers. (Friday, Aug. 14, at 8:15.) . . . ¶ The Modern Jazz Quartet. (Saturday, Aug. 15, at 8:15.) . . . ¶ Jubilation! Dance Company. (Monday, Aug. 17, at 8:15.) . . . ¶ "The River," a pop-gospel work by Peter Link and William Spenser Reilly. With Jenny Burton. (Tuesday through Thursday, Aug. 18-20, at 8:15.) . . . ¶ The Clara Ward Singers, with Charles Williams. (Saturday, Aug. 22, at 8.)

Music Cruises—Concerts on excursion boats. Friday, Aug. 14, at 8: Mongo Santamaria, with Dave Valentin and Hilton Ruiz. . . . Saturday, Aug. 22, at 8: Sonny Rollins. (Hudson River Day Liner, Pier 81, Twelfth Ave. at 41st St. For information about tickets, call 595-5272.) . . . ¶ Monday, Aug. 17, at 6:30: Ray Barretto and Dave Valentin. (South Street Seaport, Pier 16, East River at Fulton St. For information about tickets, call 964-9082.)

Central Park Bandshell—Friday, Aug. 14, at 8: Ping Chong's Fiji Company. . . . ¶ Saturday, Aug. 15, at 3: David Van Tieghem. . . . ¶ Friday, Aug. 21, at 8: Charles Moulton and the Alchemedians. . . . ¶ Saturday, Aug. 22, at 3: The John Renbourn Group. (For rain-date information, call 860-1335.)

Prospect Park Bandshell—Saturday, Aug. 15, at 8: Otis Blackwell and the Black Rock Coalition Orchestra. . . . ¶ Sunday, Aug. 16, at 8: The Persuasions and the Passions. . . . ¶ Friday, Aug. 21, at 8: Taj Mahal and Dave Van Ronk. . . . ¶ Saturday, Aug. 22, at 8: Beausoleil and Jim Bowie. (For rain-date information, call 1-718 768-0699.)

Riverside Park Rotunda—The Sonny Fortune Quartet. (W. 79th St., near the Boat Basin. Sunday, Aug. 16, at 4.)

IN THE COUNTRY

Caramoor Music Festival—Final performances of the season. Friday, Aug. 14, at 9: Three-fourths of the Guarneri Quartet, with Lydia Artymiw, piano. . . . ¶ Saturday, Aug. 15, at 8:30: The New York Chamber Soloists in an all-Mozart program, with Lilian Kallir, piano. . . . ¶ Sunday, Aug. 16, at 5:30: Andras Schiff, piano. . . . ¶ Friday, Aug. 21, at 9: Elmar Oliveira, violin, and Robert McDonald, piano. . . . ¶ Saturday, Aug. 22, at 8:30: Julius Rudel conducting the Orchestra of St. Luke's, with Chris Gekker, trumpet; William Blount, clarinet; and Frank Morelli, bassoon. . . . ¶ Sunday, Aug. 23, at 5:30: The St. Luke's Chamber Ensemble. (Katonah, N.Y. Through Sunday, Aug. 23. On Saturdays trains leave Grand Central Terminal at 2:48 and 5:48, and are met at Katonah by buses for Caramoor. For information about tickets and trains, call 1-914 232-5035.)

Tanglewood—Thursday, Aug. 13, at 8:30: Emanuel Ax, piano, and Yo-Yo Ma, cello. . . . ¶ Friday, Aug. 14, at 7: Katia and Marielle Labèque, duo piano. . . . ¶ Friday, Aug. 14, at 9: Leonard Slatkin conducting the Boston Symphony, with Matt Haimovitz, cello. . . . ¶ Saturday, Aug. 15, at 8:30: Leonard Bernstein conducting, with Wendy White, mezzo-soprano. . . . ¶ Sunday, Aug. 16, at 2:30: Leonard Slatkin conducting, with the Misses Labèque, duo piano. . . . ¶ Tuesday, Aug. 18, at 2: The annual "Tanglewood-on-Parade" program, including offerings by the student departments of the Tanglewood Music Center and a concert (at 9) by the Boston Symphony Orchestra and the Tanglewood Music Center Orchestra, conducted by Seiji Ozawa, John Williams, and Leon Fleisher. With Young Uck Kim, violin; Mr. Ma, cello; and Mr. Ax, piano. . . . ¶ Wednesday, Aug. 19, at 8:30: Mr. Ax, piano; Mr. Kim, violin; and Mr. Ma, cello, in an all-Dvořák program. . . . ¶ Friday, Aug. 21, at 7: Chamber music, with members of the Boston Symphony Orchestra. . . . ¶ Friday, Aug. 21, at 9: Michael Tilson Thomas conducting the Boston Symphony Orchestra. . . . ¶ Saturday, Aug. 22, at 8:30: Michael Tilson Thomas conducting, with Andras Schiff, piano. . . . ¶ Sunday, Aug. 23, at 2:30: Seiji Ozawa conducting, with Jessye Norman, soprano. (Lenox, Mass. Through Sunday, Aug. 30. For information about tickets, call 1-413 637-1666.)

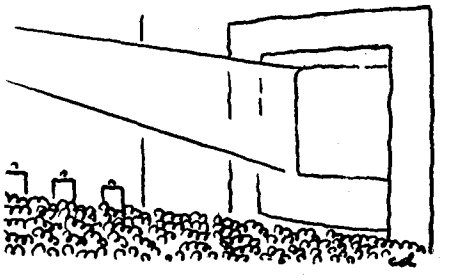
Jacob's Pillow Dance Festival—Wednesday through Saturday, Aug. 12-15: Dancers from the New York City Ballet perform works they have choreographed themselves. . . . ¶ Tuesday through Saturday, Aug. 18-22: The Merce Cunningham Dance Company. (Becket, Mass. Tuesdays through Thursdays at 8, Fridays at 8:30, and Saturdays at 2 and 8:30. Through Saturday, Aug. 29. For information about tickets, call 1-413 243-0745.)

Saratoga Performing Arts Center—Final performances of the **PHILADELPHIA ORCHESTRA'S** summer series. Wednesday and Thursday, Aug. 12-13: Riccardo Muti conducting. . . . [**NOTE:** The Murray Louis Dance Company will give special performances Wednesday, Aug. 12, at 8:15; Thursday, Aug. 13, at 2 and 8:15; and Friday and Saturday, Aug. 14-15, at 8:15.] . . . ¶ Friday, Aug. 14: Dennis Russell Davies conducting, with Emanuel Ax, piano. . . . ¶ Saturday, Aug. 15: Dennis Russell Davies conducting an all-Tchaikovsky program, with Alexander Toradze, piano. (Saratoga Springs. Evenings at 8:15, with chamber music by various groups on Fridays and Saturdays at 6:45. For information about tickets, call 1-518 587-3330.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOINGS ON ABOUT TOWN

THE MOVIE HOUSES



S	M	T	W	T	F	S
			12	13	14	15
16	17	18	19	20	21	22

FILMS ACCOMPANIED BY A DAGGER ARE DESCRIBED IN THE "IN BRIEF" SECTION, STARTING ON PAGE 11.

EAST SIDE

PUBLIC THEATRE, 425 Lafayette St. (598-7171; theatre opens in the late afternoon and is closed Mondays.)
A program of Argentine films.

MOVIELAND 8TH STREET TRIPLEX, 36 E. 8th. (477-6600)
Theatre 1: "Nadine" (directed by Robert Benton), with Jeff Bridges and Kim Basinger.
Theatre 2: "The Witches of Eastwick" (†).
Theatre 3: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

GRAMERCY, Lexington at 23rd. (475-1660)
Through Aug. 13: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon.
From Aug. 14: "No Way Out" (Roger Donaldson), with Kevin Costner and Gene Hackman.

BAY CINEMA, 2nd Ave. at 32nd. (679-0160)
"Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

LOEWS 34TH STREET SHOWPLACE, 238 E. 34th. (532-5544)
Theatre 1: "RoboCop" (†).
Theatre 2: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 3: "The Untouchables" (†).

34TH ST. EAST, 241 E. 34th. (683-0255)
Through Aug. 13: "Roxanne" (†).
Aug. 14-20: "The Monster Squad" (Fred Dekker).
From Aug. 21: "The Big Easy" (Jim McBride), with Dennis Quaid and Ellen Barkin.

EASTSIDE CINEMA, 3rd Ave. at 55th. (755-3020)
Through Aug. 13: (Matinées only) "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon; and (evenings only) "Adventures in Babysitting" (Chris Columbus).
From Aug. 14: To be announced.

SUTTON, 3rd Ave. at 57th. (759-1411)
"Who's That Girl" (James Foley), with Madonna and Griffin Dunne.

GOTHAM CINEMA, 3rd Ave. at 58th. (759-2262)
Through Aug. 13: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon.
From Aug. 14: "The Monster Squad" (Fred Dekker).

PLAZA, 42 E. 58th. (355-3320)
"La Bamba" (†).

MANHATTAN TWIN, 3rd Ave. at 59th. (935-6420)
Theatre 1: "Full Metal Jacket" (†).
Theatre 2: Through Aug. 13: (Matinées only) "The Care Bears Adventure in Wonderland;" and (evenings only) "The Witches of Eastwick" (†). From Aug. 14: "Can't Buy Me Love" (Steve Rash).

BARONET AND CORONET, 3rd Ave. at 59th. (355-1663)
Theatre 1: "Roxanne" (†).
Theatre 2: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

D. W. GRIFFITH, 235 E. 59th. (759-4630)
"RoboCop" (†).

CINEMA I AND II, 3rd Ave. at 60th. (753-6022/0774)
Theatre 1: "A Man in Love" (†).
Theatre 2: Through Aug. 20: "Good Morning, Babylon" (†). From Aug. 21: "Inside Out" (Robert Taicher), with Elliott Gould.

GEMINI I AND 2, 2nd Ave. at 64th. (832-1670)
Theatre 1: Through Aug. 13: "Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella. From Aug. 14: To be announced.
Theatre 2: Through Aug. 13: "Nadine" (Robert Benton), with Jeff Bridges and Kim Basinger. From Aug. 14: To be announced.

BEEKMAN, 2nd Ave. at 66th. (737-2622)
"Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

LOEWS NEW YORK TWIN, 2nd Ave. at 67th. (744-7339)
Theatre 1: Through Aug. 13: "The Living Daylights" (John Glen), with Timothy Dalton. From Aug. 14: To be announced.
Theatre 2: Through Aug. 13: "The Untouchables" (†). From Aug. 14: To be announced.

68TH ST. PLAYHOUSE, 3rd Ave. at 68th. (734-0302)
"The Whistle Blower" (†).

LOEWS TOWER EAST, 3rd Ave. at 71st. (879-1313)
Through Aug. 13: "Spaceballs" (Mel Brooks), with Brooks.
From Aug. 14: "No Way Out" (Roger Donaldson), with Kevin Costner and Gene Hackman.

U. A. EAST, 1st Ave. at 85th. (249-5100)
Through Aug. 13: "Who's That Girl" (James Foley), with Madonna and Griffin Dunne.
From Aug. 14: To be announced.

86TH STREET TWIN, Lexington at 86th. (289-8900)
Theatre 1: "La Bamba" (†).
Theatre 2: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

LOEWS ORPHEUM I AND 2, 3rd Ave. at 86th. (289-4607)
Theatre 1: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 2: "RoboCop" (†).

86TH STREET EAST TWIN, 3rd Ave. at 86th. (249-1144)
Theatre 1: Through Aug. 13: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve. From Aug. 14: "Disorderlies" (Michael Schultz).
Theatre 2: Through Aug. 13: "Full Metal Jacket" (†). From Aug. 14: To be announced.

WEST SIDE

FILM FORUM I AND 2, 57 Watts St. (431-1590; Mondays through Fridays, theatre opens in the late afternoon.)
Theatre 1: Through Aug. 18: "Vampires in Havana" (1986; directed by Juan Padron; a Cuban film, in Spanish), an animated film. From Aug. 19: "Where the Heart Roams" (George Paul Csicsery).
Theatre 2: See listings under "Revival Houses."

BLEECKER ST. CINEMA I AND 2, 144 Bleecker St. (674-2560)
Theatre 1: "The Girl" (Arne Mattson), with Franco Nero.
Theatre 2: "Eat the Peach" (†).

WAVERLY I AND 2, 6th Ave. at 3rd. (929-8037)
Theatre 1: Through Aug. 20: "Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella. From Aug. 21: "The Big Easy" (Jim McBride), with Dennis Quaid and Ellen Barkin.
Theatre 2: "Roxanne" (†).

8TH ST. PLAYHOUSE, 52 W. 8th. (674-6515; Mondays through Fridays, theatre opens in the late afternoon.)
"Full Metal Jacket" (†).

ART GREENWICH TWIN, Greenwich Ave. at 12th. (929-3350)
Theatre 1: "Who's That Girl" (James Foley), with Madonna and Griffin Dunne.
Theatre 2: Through Aug. 13: (Matinées only) "The Care Bears Adventure in Wonderland;" and (evenings only) "Innerspace" (†). From Aug. 14: "Can't Buy Me Love" (Steve Rash).

QUAD CINEMA, 34 W. 13th. (255-8800)
Theatre 1: "My Life as a Dog" (†).
Theatre 2: "Rita, Sue and Bob Too" (†).
Theatre 3: "Prick Up Your Ears" (†).
Theatre 4: Through Aug. 13: "Happy New Year" (John G. Avildsen). From Aug. 14: "Good Morning, Babylon" (†).

23RD ST. WEST TRIPLEX, 333 W. 23rd. (989-0060)
Theatre 1: "La Bamba" (†).
Theatre 2: Through Aug. 13: (Matinées only) "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon; and (evenings only) "Spaceballs" (Mel Brooks), with Brooks. From Aug. 14: "Disorderlies" (Michael Schultz).
Theatre 3: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

GUILD, 33 W. 50th. (757-2406)
Through Aug. 13: "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon.
From Aug. 14: "No Way Out" (Roger Donaldson), with Kevin Costner and Gene Hackman.

ZIEGFELD, 141 W. 54th. (765-7600)
"Who's That Girl" (James Foley), with Madonna and Griffin Dunne.

57TH ST. PLAYHOUSE, 110 W. 57th. (581-7360)
"The Girl" (Arne Mattson), with Franco Nero.

NEW CARNEGIE, 225 W. 57th. (582-4582)
Through Aug. 13: "Happy New Year" (John G. Avildsen).
From Aug. 14: "North Shore" (William Phelps).

CARNEGIE HALL CINEMA, 7th Ave. between 56th and 57th. (265-2520)
"Withnail and I" (†).

CARNEGIE SCREENING ROOM, 7th Ave. between 56th and 57th. (757-2131)
"My Life as a Dog" (†).

PARIS, 4 W. 58th. (688-2013)
"Jean de Florette" (†).

CINEMA 3, 2 W. 59th. (752-5959)
"Wolf at the Door" (Henning Carlsen), with Donald Sutherland.

LOEWS PARAMOUNT, B'way at 61st. (247-5070)
Through Aug. 13: "Spaceballs" (Mel Brooks), with Brooks.
From Aug. 14: "No Way Out" (Roger Donaldson), with Kevin Costner and Gene Hackman.

LINCOLN PLAZA 1, 2, AND 3, B'way at 63rd. (757-2280)
Theatre 1: Through Aug. 13: "La Gran Fiesta" (Marcos Zurinaga; in Spanish and English). From Aug. 14: "Living on Tokyo Time" (Steve Okazaki).
Theatre 2: "Wish You Were Here" (†).
Theatre 3: "Wish You Were Here" (†).

CINEMA STUDIO I AND 2, B'way at 66th. (877-4040)
Theatre 1: "Tampopo" (†).
Theatre 2: "Full Metal Jacket" (†).

EMBASSY 72ND ST. I AND 2, B'way at 72nd. (724-6745)
Theatre 1: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.
Theatre 2: "Roxanne" (†).

LOEWS 84TH STREET SIXPLEX, B'way at 84th. (877-3600)
Theatre 1: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 2: Through Aug. 13: "The Untouchables" (†). From Aug. 14: To be announced.
Theatre 3: Through Aug. 13: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon. From Aug. 14: To be announced.
Theatre 4: "RoboCop" (†).
Theatre 5: "Nadine" (Robert Benton), with Jeff Bridges and Kim Basinger.
Theatre 6: Through Aug. 13: "The Lost Boys" (Joel Schumacher), with Dianne Wiest. From Aug. 14: To be announced.

METRO CINEMA I AND 2, B'way at 99th. (222-1200)
Theatre 1: Through Aug. 13: "Stakeout"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE ART OF
THE NEW YORKER
A 60 YEAR RETROSPECTIVE

"We're On Our Way To The New Yorker Art Show"

July 27th through September 25th
The High Museum
at Georgia-Pacific Center
133 Peachtree Street, N.E.
Atlanta, Georgia 30303

NEW YORK DETROIT
BOSTON
ATLANTA CHICAGO
PHILADELPHIA
WASHINGTON LONDON
TORONTO

GOINGS ON ABOUT TOWN

(John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn. From Aug. 14: "The Monster Squad" (Fred Dekker).
Theatre 2: Through Aug. 16: A program of Latin-American and Spanish films. From Aug. 17: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

Columbia Cinema, B'way at 103rd. (866-7500)
"La Bamba" (†).

TIMES SQUARE AREA

Criterion Center, B'way at 44th. (354-0900)
Theatre 1: "The Witches of Eastwick" (†).
Theatre 2: "The Lost Boys" (directed by Joel Schumacher), with Dianne Wiest.
Theatre 3: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve.
Theatre 4: Through Aug. 13: "Summer School" (Carl Reiner), with Mark Harmon. From Aug. 14: "Disorderlies" (Michael Schultz).
Theatre 5: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon.
Theatre 6: Through Aug. 13: "Revenge of the Nerds II: Nerds in Paradise" (Joe Roth), with Robert Carradine. From Aug. 14: "The Monster Squad" (Fred Dekker).

Embassy I, B'way at 46th. (757-2408)
Through Aug. 20: "The Untouchables" (†).
From Aug. 21: "The Big Easy" (Jim McBride), with Dennis Quaid and Ellen Barkin.

Embassy 2, 3, and 4, Seventh Ave. at 47th. (730-7262)
Theatre 2: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.
Theatre 3: Through Aug. 13: "La Bamba" (†). From Aug. 14: "Can't Buy Me Love" (Steve Rash).
Theatre 4: "La Bamba" (†).

Loews Astor Plaza, 44th St. at B'way. (869-8340)
"The Living Daylights" (John Glen), with Timothy Dalton.

Movieland, B'way at 47th. (757-8320)
Through Aug. 13: "Jaws: The Revenge" (Joseph Sargent), with Michael Caine.
From Aug. 14: "North Shore" (William Phelps).

National Twin, B'way at 44th. (869-0950)
Theatre 1: Through Aug. 20: "Full Metal Jacket" (†). From Aug. 21: "Dirty Dancing" (Emile Ardolino), with Jennifer Grey and Patrick Swayze.
Theatre 2: "RoboCop" (†).

Warner, 7th Ave. between 42nd and 43rd. (764-6760)
"Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella.

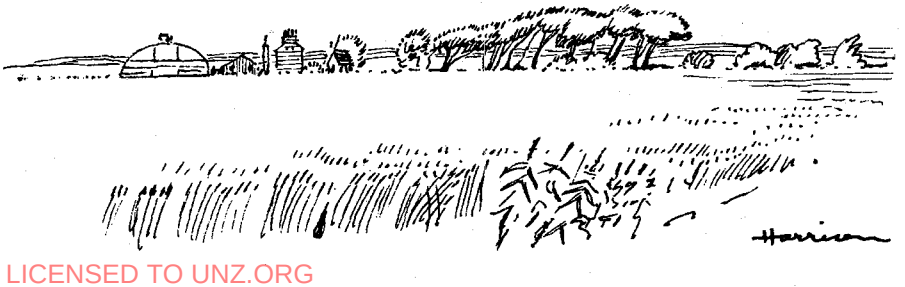
REVIVAL HOUSES

Cinema Village, 22 E. 12th. (924-3363)
Through Aug. 13: A program of cartoons made during the Second World War.
Aug. 14-15: A program of Warner Brothers cartoons.
Aug. 16: "Nosferatu, the Vampyre" (1979; directed by Werner Herzog; in German), with Klaus Kinski, Isabelle Adjani, and Bruno Ganz; and "Fitzcarraldo" (1982; Werner Herzog; in German), with Klaus Kinski and Claudia Cardinale.
Aug. 17-18: "Caravaggio" (1986; Derek Jarman), with Nigel Terry; and "Pink Narcissus" (1968).
Aug. 19-20: "Betty Blue" (1986; Jean-Jacques Beineix; in French), with Jean-Hugues Anglade and Béatrice Dalle; and "Le Boucher" (†).
Aug. 21-22: "The Gods Must Be Crazy" (1979; Jamie Uys); and "The Decline of the American Empire" (1986; Denys Arcand; a Canadian film, in French).

Film Forum 2, 57 Watts St. (431-1590; Mondays through Fridays, theatre opens in the late afternoon.)
Aug. 12: "The Incredible Shrinking Man" (1957; Jack Arnold), with Grant Williams; and "The Space Children" (1958; Jack Arnold), with Adam Williams.
Aug. 13-14: "Brazil" (1985; Terry Gilliam), with Jonathan Pryce; and "Sleeper" (1973; Woody Allen), with Allen.
Aug. 15-16: "Alphaville" (1965; Jean-Luc Godard; in French), with Eddie Constantine, Anna Karina, and Akim Tamiroff; and "Blade Runner" (1982; Ridley Scott), with Harrison Ford and Rutger Hauer.
Aug. 17: "Sins of the Fleshapoids" (1965; Mike Kuchar), with Bob Cowan; "Ascension of the Demonoids" (1986; George Kuchar); and "The Giant Claw" (1957; Fred F. Sears), with Jeff Morrow and Mara Corday.
Aug. 18: "The Man from Planet X" (1951; Edgar G. Ulmer), with Robert Clarke; and "The Cosmic Man" (1959; Herbert Greene), with John Carradine.
Aug. 19-20: "The Creeping Unknown" (1956; Val Guest), with Brian Donlevy; "Enemy from Space" (1957; Val Guest), with Brian Donlevy; and "Five Million Years to Earth" (1967; Roy Ward Baker), with Andrew Keir.
Aug. 21-22: "The Road Warrior" (1982; George Miller), with Mel Gibson; and "The Terminator" (1984; James Cameron), with Arnold Schwarzenegger.

Regency, B'way at 67th. (724-3700)
Aug. 12: "Horse Feathers" (1932; Norman McLeod) and "Duck Soup" (1933; Leo McCarey), both films with the Marx Brothers.
Aug. 13-15: "Sabrina" (1954; Billy Wilder), with Humphrey Bogart, Audrey Hepburn, and William Holden; and "To Catch a Thief" (1955; Alfred Hitchcock), with Cary Grant, Grace Kelly, Jessie Royce Landis, Charles Vanel, and Brigitte Auber.
Aug. 16-17: "Carrie" (1952 †); and "Summer and Smoke" (1961; Peter Glenville), with Geraldine Page, Laurence Harvey, Rita Moreno, and Una Merkel.
Aug. 18-19: "Christmas in July" (1940; Preston Sturges), with Ellen Drew and Dick Powell; and "The Miracle of Morgan's Creek" (1944; Preston Sturges), with Betty Hutton and Eddie Bracken.
Aug. 20-22: "It Started in Naples" (1960; Melville Shavelson), with Clark Gable, Sophia Loren, and Vittorio De Sica; and "Roman Holiday" (1953; William Wyler), with Audrey Hepburn, Gregory Peck, and Eddie Albert.

Thalia SoHo, 15 Vandam St. (675-0498)
Aug. 12: "Les Misérables" (1935; Richard Boleslavsky), with Charles Laughton and Fredric March; and "Nicholas Nickleby" (1947; Alberto Cavalcanti), with Cedric Hardwicke, Derek Bond, and Bernard Miles.
Aug. 13: "Waiting for Godot" (1971; Alan Schneider), with Zero Mostel and Burgess Meredith; and three short films based on Samuel Beckett material.
Aug. 14-15: "Colegas" (1982) and "El Diputado" (1969), both films in Spanish, directed by Eloy de la Iglesia.
Aug. 16: "The Ruling Class" (1972; Peter Medak), with Peter O'Toole and Arthur Lowe; and "The Lion in Winter" (1968; Anthony Harvey), with Peter O'Toole and Katharine Hepburn.
Aug. 17: A program of experimental films.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Aug. 18: "Head" (1968; Bob Rafelson), with the Monkees; and "Morgan!" (†).
Aug. 19: "Lions Love" (†) and "Duet for Cannibals" (†).
Aug. 20: "Onibaba" (1963; Kaneto Shindo; in Japanese); and "Scandal" (1950; Akira Kurosawa; in Japanese), with Toshiro Mifune.
Aug. 21-22: "The Godfather" (1972; Francis Ford Coppola), with Marlon Brando and Al Pacino; and "The Godfather, Part II" (1974; Francis Ford Coppola), with Al Pacino, Robert Duvall, Diane Keaton, and Robert De Niro.

Theatre 80 St. Marks, 80 St. Marks Pl. (254-7400)
Aug. 12: "Scarlet Street" (1946; Fritz Lang), with Joan Bennett, Edward G. Robinson, and Dan Duryea; and "Man Hunt" (1941; Fritz Lang), with Joan Bennett, Walter Pidgeon, George Sanders, and John Carradine.
Aug. 13: "The Picture of Dorian Gray" (1945; Albert Lewin), with Hurd Hatfield, George Sanders, and Angela Lansbury; and "The Fan" (1949; Otto Preminger), with Madeleine Carroll, George Sanders, and Jeanne Crain.
Aug. 14-15: "Roman Holiday" (1953; William Wyler), with Audrey Hepburn, Gregory Peck, and Eddie Albert; and "Breakfast at Tiffany's" (1961; Blake Edwards), with Audrey Hepburn, George Peppard, Patricia Neal, Martin Balsam, and Mickey Rooney.
Aug. 16: "A Slight Case of Murder" (1938; Lloyd Bacon), with Edward G. Robinson, Allen Jenkins, and Jane Bryan; and "Arsenic and Old Lace" (1944; Frank Capra), with Cary Grant, Priscilla Lane, Raymond Massey, Peter Lorre, Josephine Hull, and Jean Adair.
Aug. 17: "Throne of Blood" (1957) and "The Lower Depths" (1957), both films in Japanese, directed by Akira Kurosawa, with Toshiro Mifune.
Aug. 18: "True Confession" (1937; Wesley Ruggles), with Carole Lombard, John Barrymore, and Fred MacMurray; and "We're Not Dressing" (1934; Norman Taurog), with Bing Crosby, Ethel Merman, and Burns and Allen.
Aug. 19: "Sherlock Holmes and the Secret Weapon" (1943) and "The Woman in Green" (1945), two films in the Basil Rathbone–Nigel Bruce Holmes-Watson series, both directed by Roy William Neill.
Aug. 20: "Persona" (1967; Ingmar Bergman; in Swedish), with Bibi Andersson and Liv Ullmann; and "The Seventh Seal" (1956; Ingmar Bergman; in Swedish), with Max von Sydow, Gunnar Björnstrand, Bibi Andersson, and Nils Poppe.
Aug. 21-22: "Mr. Arkadin" (1955; Orson Welles), with Welles, Michael Redgrave, Patricia Medina, and Akim Tamiroff; and "The Stranger" (1946; Orson Welles), with Welles, Edward G. Robinson, and Loretta Young.

FILM LIBRARIES, ETC.

Museum of Modern Art, Roy and Niuta Titus Theatres, 11 W. 53rd St. (708-9490; a limited number of tickets are available to those applying for them in person at the museum after 11 on the day of the showing.)
Theatre 1: Aug. 13 at 2:30 and 6: "Dangerous to Know" (1938; directed by Robert Florey), with Anna May Wong, Akim Tamiroff, Gail Patrick, Lloyd Nolan, and Anthony Quinn. . . . ¶ Aug. 14 at 2:30: "Four Hours to Kill" (1935; Mitchell Leisen), with Richard Barthelmess, Gertrude Michael, Helen Mack, and Ray Milland. . . . ¶ Aug. 14 at 6 and Aug. 15 at 2: "Crime Without Passion" (1934; Ben Hecht and Charles MacArthur), with Claude Rains and Margo. . . . ¶ Aug. 15 at 5 and Aug. 16 at 2: "Go West, Young Man" (1936; Henry Hathaway), with Mae West, Randolph Scott, Warren William, and Alice Brady. . . . ¶ Aug. 16 at 5: "Four Hours to Kill." . . . ¶ Aug. 17 at 2:30 and 6: "Among the Living" (1941; Stuart Heisler), with Albert Dekker, Susan Hayward, Harry Carey, and Frances Farmer. . . . ¶ Aug. 18 at 2:30 and 6: "The Road to Utopia" (1945; Hal Walker), with Bing Crosby, Bob Hope, Dorothy Lamour, and Robert Benchley. . . . ¶ Aug. 20 at 2:30 and 6: "Zaza" (1939; George Cukor), with Claudette Colbert, Herbert Marshall, Bert Lahr, and Helen Westley. . . . ¶ Aug. 21 at 2:30: "Kitty" (1945; Mitchell Leisen), with Paulette Goddard, Ray Milland, Patric Knowles, and Constance Collier. . . . ¶ Aug. 21 at 6: "The Miracle of Morgan's Creek" (1944; Preston Sturges), with Betty Hutton and Eddie Bracken. . . . ¶ Aug. 22 at 2: "Hold Back the Dawn" (1941; Mitchell Leisen), with Charles Boyer, Olivia de Havilland, Paulette Goddard, Victor Francen, and Walter Abel. . . . ¶ Aug. 22 at 5: "Sullivan's Travels" (1941; Preston Sturges), with Joel McCrea, Veronica Lake, and William Demarest.
Theatre 2: Aug. 13 at 6:30 and Aug. 15 at 4: "Just Waiting" (1975; Stephen Dwoskin; in German, with English subtitles), "Signal—Germany on the Air" (1985; Ernie Gehr; in German, with English subtitles), and "Images of Berlin's City Railway" (1982; Alfred Behrens; in German, with English subtitles). . . . ¶ Aug. 20 at 6:30 and Aug. 22 at 4: "Working Title: Journeys from Berlin/1971" (1980; Yvonne Rainer; in German, with English subtitles).

Film Society of Lincoln Center—A retrospective of films that opened at the New York Film Festival from 1963 to 1986, in celebration of the festival's twenty-fifth anniversary. Aug. 12 at 6:15: "Lacombe, Lucien" (1974; Louis Malle; in French), with Pierre Blaise. . . . ¶ Aug. 12 at 9: "Last Tango in Paris" (1972; Bernardo Bertolucci; in French and English), with Marlon Brando and Maria Schneider. . . . ¶ Aug. 13 at 6:15: "Padre Padrone" (1977; Paolo and Vittorio Taviani; in Italian). . . . ¶ Aug. 13 at 8:30: "Fitzcarraldo" (1982; Werner Herzog; in German), with Klaus Kinski and Claudia Cardinale. . . . ¶ Aug. 14 at 6:15: "Ménage" (1986; Bertrand Blier; in French), with Miou-Miou, Michel Blanc, and Gérard Depardieu. . . . ¶ Aug. 14 at 8:30: "7 Up" (1963) and "28 Up" (1984), two documentary films directed by Michael Apted. . . . ¶ Aug. 15 at 1:30: "Roseland" (1977; James Ivory), with Christopher Walken. . . . ¶ Aug. 15 at 4: "A Love in Germany" (1984; Andrzej Wajda; in German), with Hanna Schygulla. . . . ¶ Aug. 15 at 6:30: "Every Man for Himself" (1980; Jean-Luc Godard; in French), with Isabelle Huppert, Nathalie Baye, and Jacques Dutronc. . . . ¶ Aug. 15 at 8:30: "Tristana" (1970; Luis Buñuel; in Spanish), with Catherine Deneuve and Fernando Rey. . . . ¶ Aug. 16 at 2:30: "The Discreet Charm of the Bourgeoisie" (1972; Luis Buñuel; in French), with Fernando Rey, Stéphane Audran, Jean-Pierre Cassel, and Delphine Seyrig. . . . ¶ Aug. 16 at 4:30: "The Draughtsman's Contract" (1983; Peter Greenaway), with Anthony Higgins and Janet Suzman. . . . ¶ Aug. 16 at 7: "The Firemen's Ball" (1967; Miloš Forman). . . . ¶ Aug. 16 at 9: "Handle with Care" (1977; Jonathan Demme), with Paul Le Mat and Candy Clark. . . . ¶ Aug. 17 at 6:15: "Day for Night" (1973; François Truffaut; in French), with Jacqueline Bisset, Jean-Pierre Léaud, and Truffaut. . . . ¶ Aug. 17 at 8:45: "Sid and Nancy" (1986; Alex Cox), with Gary Oldman and Chloe Webb. . . . ¶ Aug. 18 at 6:15: "Entre Nous" (1983; Diane Kurys; in French), with Isabelle Huppert, Guy Marchand, and Miou-Miou. . . . ¶ Aug. 18 at 8:30: "The Marriage of Maria Braun" (1979; Rainer Werner Fassbinder; in German), with Hanna Schygulla. . . . ¶ Aug. 19 at 6:15: "Mephisto" (1982; István Szabó; in German). . . . ¶ Aug. 19 at 9: "The Night of the Shooting Stars" (1982; Paolo and Vittorio Taviani; in Italian). . . . ¶ Aug. 20 at 6:15: "Eréndira" (1983; Ruy Guerra; in Spanish), with Claudia Ohana and Irene Papas. . . . ¶ Aug. 20 at 8:30: "Stranger Than Paradise" (1984; Jim Jarmusch), with John Lurie, Richard Edson, and Eszter Balint. . . . ¶ Aug. 21 at 6:15: "Jonah Who Will Be 25 in the Year 2000" (1976; Alain Tanner; in French), with Miou-Miou and Jean-Luc Bideau. . . . ¶ Aug. 21 at 8:30: "When Father Was Away on Business" (1984; Emir Kusturica; in Yugoslav). . . . ¶ Aug. 22 at 2: "Lancelot of the Lake" (1975; Robert Bresson; in French). . . . ¶ Aug. 22 at 4: "The Sacrifice" (1986; Andrei Tarkovsky; in Swedish), with Erland Josephson. . . . ¶ Aug. 22 at 7: "Violette" (1978; Claude Chabrol; in French), with Isabelle Huppert, Stéphane Audran, and Jean Carmet. . . . ¶ Aug. 22 at 9:30: "French Can-Can" (1954; Jean Renoir; in French), with Jean Gabin. (Alice Tully Hall. 362-1911.)

Museum of Broadcasting, 1 E. 53rd St. (752-7684)—Through Sept. 26: "Elvis Presley: The Television Work," a retrospective. The schedule of performances is complicated; our best advice is to phone the museum for titles, schedules, and ticket information. Closed Sundays and Mondays.

Cathedral of St. John the Divine, Amsterdam Ave. at 112th St. (662-2133)—"Metropolis" (1926; Fritz Lang; a German silent film), with Brigitte Helm. Original organ score written and played by Lee Erwin. (Aug. 12 at 8.)

New-York Historical Society, 170 Central Park W., at 77th St. (873-3400)—"City for Conquest" (1940; Anatole Litvak), with James Cagney, Arthur Kennedy, and Ann Sheridan. (Aug. 16 at 2.)

IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS.
IF A MOVIE HAS BEEN REVIEWED IN "THE CURRENT CINEMA" DURING THE PAST TWO YEARS, THE DATE OF ITS REVIEW IS GIVEN.

(Unsigned notes are by Pauline Kael; others are by Terrence Rafferty.)

La Bamba—Written and directed by Luis Valdez, this is the life story of the Chicano rock 'n' roller Ritchie Valens (Lou Diamond Phillips), who had three hit records before he died at seventeen in a plane crash, in 1959. Valdez isn't primarily concerned with Ritchie Valens as the bullet of talent he must have been. The film's Ritchie is simply a warm, friendly Latino version of the boy next door. Ritchie Valens' music, as it's performed by the group Los Lobos, with David Hidalgo singing for Phillips, is what carries the movie along, but even with the music and brief appearances by Stephen Lee, Brian Setzer, and Howard Huntsberry, this is a leaden, lachrymose piece of filmmaking. (No doubt many people are susceptible to the film's mythmaking; you can hear their enthusiastic weeping in the theatre.) With the fiery, hammy Esai Morales as Ritchie's tormented, bad-boy half brother, Bob; Elizabeth Peña (she has a comic side) as Bob's wife, who keeps looking at him with disgust; Rosana De Soto as the boys' mother; Joe Pantoliano as Bob Keene; and Marshall Crenshaw as Buddy Holly. (Reviewed in our issue of 8/10/87.) (Plaza, 86th Street Twin, 23rd St. West Triplex, Columbia Cinema, and Embassy.)

Le Boucher (1969)—Another tone poem on a thriller theme by Claude Chabrol; he provides all the elements for a thriller except the zinger. This fluid, beautifully controlled, but very minor film was shot in a serene village in the Périgord and features the exquisite Stéphane Audran, with Jean Yanne as the melancholy, frustrated butcher. Cinematography by Jean Rabier. In French. (Cinema Village; Aug. 19-20.)

Carrie (1952)—William Wyler's version of Theodore Dreiser's "Sister Carrie" is graced by one of Laurence Olivier's finest screen performances. Olivier has always given credit to Wyler for teaching him how to act in the movies when they did "Wuthering Heights" together, but it's in "Carrie" that he showed how much he had learned. As George Hurstwood, the manager of an elegant Chicago grog-and-steak house, who ruins himself for a pretty face (Jennifer Jones), Olivier is so impassioned and so painfully touching that everything else in the movie, including the girl whose story it's meant to be, fades into insignificance. With Miriam Hopkins as the rigidly unforgiving Mrs. Hurstwood, and Eddie Albert as a dry-goods salesman. Adapted by Ruth and Augustus Goetz. (Regency; Aug. 16-17.)

Duet for Cannibals (1969)—Written and directed by Susan Sontag, who made this hermetic, guess-what's-real movie in Sweden. It's about two couples and the games they play, which would be more entertaining if we could figure out the rules or discover if there is anything at stake. Adriana Asti acts mysterious and neurotic, and the other performers (Gösta Ekman, Lars Ekborg, and Agneta Ekmanner) seem to be stranded on

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

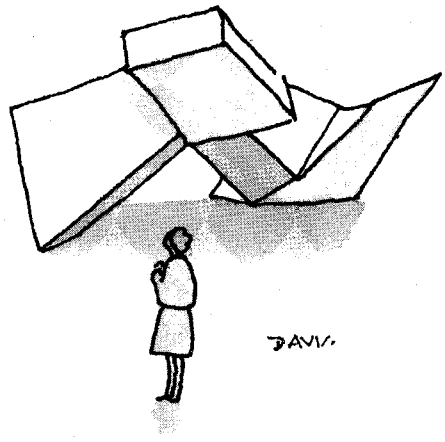
GOINGS ON ABOUT TOWN

the screen, trying to fill in the slack of the dry, expository dialogue and looking for clues to what's wanted of them. In Swedish. (Thalia SoHo; Aug. 19.)

Eat the Peach—Whimsical, with an element of desperation underneath. The setting is an Irish village just a few miles across the border from Northern Ireland. Thrown out of work when the local Japanese computer factory closes down, Vinnie (Stephen Brennan) and his brother-in-law, Arthur (Eamon Morrissey), watch a cassette of Elvis Presley in the 1964 "Roustabout" and see a motorcyclist ride in a carnival Wall of Death—a round, wide, high, barrel-like track where centrifugal force keeps the rider up in the air circling. Soon they're building their own Wall of Death. This engaging, informal movie—it's loose, with a lot of humor—is about the deep-seated eccentricity of a man like Vinnie, who solves only those problems that tease his imagination. Building the Wall keeps his brains and hopes from rotting. The director, Peter Ormrod, and the producer, John Kelleher, wrote the script together; they tell the story (which is based on actual events) as if it were a simple one, taking care to let it expand in our minds. This is not like any other film you've seen; at times you may feel a little tuned out, but then the vision comes together. When Vinnie's little daughter, her face as determined as his, rides her tricycle along the Wall, trying to climb it, there's nothing coy about the kid. And when she wakes up one night and rushes outside, her hair streaming back from her head, she's the soul of Ireland, the way Sara Allgood was when she played in "Juno and the Paycock." With Catherine Byrne as Nora, Niall Toibin as Boots, and Bernadette O'Neill as the blond barmaid. (7/27/87) (Bleecker St. Cinema.)

Full Metal Jacket—Stanley Kubrick's Vietnam film stays reasonably close to its source, Gustav Hasford's compressed, white-hot novel "The Short-Timers," yet the novel has an accumulating force of horror and the movie doesn't. The first three-quarters of an hour is basic training in the Marines stripped down to a cartoonish horrorshow; it's military S & M, and the pounding compulsiveness can easily be taken for the work of a master director. After that, the movie becomes dispersed, and you can't get an emotional reading on it. Kubrick probably believes he's numbing us by the power of his vision, but he's actually numbing us by its emptiness. The script is by Kubrick, Michael Herr, and Hasford. Shot in England, with Matthew Modine as Private Joker, who wears a Peace symbol; Vincent D'Onofrio as poor, doughy-faced Pyle; Lee Ermey as the gunnery sergeant; and Arliss Howard, Dorian Harewood, and Adam Baldwin. (7/13/87) (Manhattan Twin, 8th St. Playhouse, and Cinema Studio. . . . ¶ 86th Street East Twin; through Aug. 13. . . . ¶ National Twin; through Aug. 20.)

Good Morning, Babylon—The first film made in English by the Taviani brothers tells the story of two teen-age Italian workmen (Vincent Spano and Joaquim de Almeida), from a family of church builders and restorers, who go off to seek their fortune in the New World. Eventually they find jobs as plasterers in San Francisco, working on the Tuscan Pavilion of the 1915 Panama-Pacific Exposition, and then in Hollywood, working for D. W. Griffith (Charles Dance), building the elephants for the Babylonian set of "Intolerance." But it takes them too dismally long to get to the West Coast: the film's poetic, storybook style slumps into masochism during their hardships in this country, when they work at bizarre, humiliating jobs along the way. And even after they reach L.A. and meet the people associated with Griffith they seem pitiable, and it takes forever (and more humiliation) before the great man gives them the nod. There are some lovely effects, but the attempt to show that the magic of movies comes out of anonymous, egalitarian teamwork makes your tongue feel coated. With Greta Scacchi, Desiree Becker, Omero Antonutti, and Margarita Lozano. Based on an idea by Lloyd Fonvielle, the screenplay is by the Tavianis and Tonino Guerra. The music is by Nicola Piovani; the cinematography is by Giuseppe Lanci. Early L.A. was recreated in Italy and the Grand Canyon sequence was



S	M	T	W	T	F	S
			12	13	14	15
16	17	18	19	20	21	22

shot in Spain. (The Tavianis don't speak English.) (8/10/87) (Cinema II; through Aug. 20. . . . ¶ Quad Cinema; starting Aug. 14.)

Innerspace—With Dennis Quaid as a germ-size Navy test pilot floating around inside the bloodstream of a fretful hypochondriac supermarket clerk, played by Martin Short, this sci-fi buddy-buddy comedy sounds stupid-crazy-funky, and at its best that's what it is. But mostly it gets by on being good-natured enough for you to accept its being clumsy and padded and only borderline entertaining. The director, Joe Dante, made his reputation by the subversion of cuddly themes. Here, working from a script by Jeffrey Boam (and Chip Proser) that's a synthesis of the 1966 "Fantastic Voyage" and the 1984 "All of Me," he seems to be slogging through pages of plot, dutifully trying to set up the mechanics for the gags to pay off. And a lot of the time he's setting up the emotional apparatus to give the movie "heart." Luckily, Quaid comes through even though it's an almost totally encapsulated performance; he may be the only actor who can be infectiously free and breezy while scrunched up inside a pod. The blitheness of Meg Ryan, who's the heroine, gives the picture a lift. And Short has a drunken dance scene in which he's like an insect in convulsive ecstasy. But there's too much trumped-up tenderness and pathos in his role; the danger looms that he could become elfin-lovable—a darling. With a large cast that includes Robert Picardo, Wendy Schaal, and Ken Tobey. (7/27/87) (Art Greenwich Twin; through Aug. 13, evenings only.)

Jean de Florette—The setting is Provence in the early nineteen-twenties. As the hunchback Jean de Florette, an educated, nature-loving city fellow who has learned about farming from books, Gérard Depardieu wears "GOOD MAN" in capital letters across his wide brow; in smaller letters we can read "He has poetry in his soul." Jean has a devoted wife (Elisabeth Depardieu), who used to sing in opera, and a delicate little daughter named Manon. And for slightly over two hours we watch him trudge across the land he has inherited hauling two barrels of water that are fastened across his hump. When there's no rain, his plants shrivel and his rabbits die, and it's agonizing for us, because we know that there's a spring of fresh mountain water on the land. His neighbors—the prosperous, greedy old peasant César Soubeyran (Yves Montand) and César's dull-witted nephew, Ugolin (Daniel Auteuil)—have hidden the spring under a load of cement, so that Jean will be forced to sell out to them. Adapted from the first volume of Marcel Pagnol's two-part novel "The Water of the Hills," published in 1963 (it was derived from a picture he made in 1952), "Jean de Florette" is to be followed, later this year, by "Manon of the Spring." The director, Claude Berri, who did the adaptation with Gérard Brach, aimed for fidelity to the novel; he has said that it was his task to give the material "a cinematic rhythm," but "there was no need for imagination." That's what *he* thinks. The wide-screen cinematography is by Bruno Nuytten. In French. (7/13/87) (Paris.)

Lions Love (1969)—Agnès Varda is probably the finest technician among women movie directors, and her first American feature (financed independently, it cost less than a quarter of a million dollars) is pleasantly loose, and with a sunny, lyrical quality. But it's short of substance—and what there is makes you regret that there's any. Set in Los Angeles, it's about make-believe and would-be movie stars (Viva, the wilted flower of the underground, and Gerome Ragni and James Rado, the authors of "Hair"). They play house, cuddle in bed, watch the television coverage of Robert Kennedy's death, and murmur inanities. With Shirley Clarke. (Thalia SoHo; Aug. 19.)

A Man in Love—Writer-director Diane Kurys's fourth feature, about an affair between an egocentric married American actor (Peter Coyote) and a young English-Italian bit player (Greta Scacchi), alternates hot love scenes with cold showers of bad ideas. He's playing the lead in a film about Cesare Pavese, the Italian writer who committed suicide in 1950; her mother (Claudia Cardinale) is dying of cancer. Love, Death, the Cinema, we're meant to think, as Kurys's camera scans Coyote's face for masculine treacherousness and drools over the soft curves of Scacchi's body. The young actress seems bubble-brained throughout, but in the end she becomes a Writer, to the accompaniment of Georges Delerue's swelling music. This is art-movie making at its most dishonest: Eurosoap. The unusually attractive cast, which also includes Peter Riegert and Jamie Lee Curtis, flounders through one toneless scene after another. In English, French, and Italian.—T.R. (Cinema I.)

Morgan! (1966; called "Morgan—A Suitable Case for Treatment" in England)—Morgan (David Warner) is a slightly crazy left-wing artist who is losing his beautiful, well-heeled wife (Vanessa Redgrave). In his fantasy life, he is King Kong. So when he's frustrated and upset he wears a gorilla suit; it's symbolic, of course—Morgan is the misfit as hero, and he's a childlike romantic rebel, anarchist, outsider, nonconformist. Directed by Karel Reisz, from David Mercer's adaptation of his own TV play, this satirical tragicomedy often seems to be out of control as it teeters along, sometimes presenting its hero as cute and funny, other times as tragic and in pain. The film's grotesque and discordant elements seemed to touch a nerve for American college students in the late sixties: Morgan was mad in a pop way—it was madness as the ultimate irresponsibility for the rebel, the only sanity for those who see what the "responsible" people supposedly did to the world. With Robert Stephens and Irene Handl. Music by Johnny Dankworth. (Thalia SoHo; Aug. 18.)

My Life as a Dog—Lasse Hallström's film is a gentle, episodic narrative of a twelve-year-old boy (Anton Glanzelius) growing up in nineteen-fifties Sweden. Ingemar, a lively but sensitive kid, gets passed around from household to household when his mother becomes seriously ill. At its best, the movie is very shrewd about the ways children protect themselves from disorienting, and even traumatic, experiences. Hallström's naïveté as a director gives many of the dramatic scenes a touching straightforwardness. But that same quality sabotages the comic passages with a tone of heavy, self-satisfied whimsy. With Tomas von Brömssen, Anki Liden, Ingmari Carlsson, and Melinda Kinnaman. Screenplay by Hallström, Reidar Jönsson, Brasse Brännstrom, and Per Berglund, from Jönsson's novel. In Swedish—T.R. (Quad Cinema, and Carnegie Screening Room.)

Prick Up Your Ears—Joe Orton wrote some of the liveliest farces of the English-speaking theatre in this century, but you could come out of this movie about him without any sense of their vengeful, bawdy originality. Directed by Stephen Frears from a screenplay by Alan Bennett, based on the literary biography of the same name by John Lahr,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the film is honest and watchable. But, unlike Orton, it takes no real delight in misbehaving. And though the moviemakers don't try to conceal the facts of the sixteen years that Orton (Gary Oldman) spent with Kenneth Halliwell (Alfred Molina), who bludgeoned him to death and then killed himself, what you come out with is some modern-style psychosexual moralizing about how Orton's pansexuality liberated his talent whereas the inhibited Halliwell was driven to murder. You don't feel Orton's pulse, but Vanessa Redgrave, who plays his smart, ribald agent, has never been sexier or more spontaneous. With Wallace Shawn, Lindsay Duncan, Margaret Tyzack, Janet Dale, and Julie Walters. Cinematography by Oliver Stapleton. (5/4/87) (Quad Cinema.)

Rita, Sue and Bob Too—Amiable, married Bob (George Costigan), who lives in a treeless suburb of Bradford, in the north of England, is the kind of middle-class Don Juan who starts looking devilishly handsome around closing time at the pub. In grim Bradford, it always feels like closing time, so Bob has no trouble getting his bit on the side—two bits on the side, actually, in the chunky forms of Rita (Siobhan Finneran) and Sue (Michelle Holmes), a pair of teen-age babysitters from the housing projects. Alan Clarke, the director, deserves credit for trying to make a raunchy farce in these bleak, unlikely settings, and he partially succeeds. The movie is plain and unpretentious, doesn't moralize about its characters, and never becomes sentimental about the conditions of their lives. Clarke is right to go for laughs rather than pathos, but too often he doesn't get them; and his faulty comic timing exposes the thinness of Andrea Dunbar's script. Also with Lesley Sharp and Kulvinder Ghir.—T.R. (Quad Cinema.)

RoboCop—In this punk sci-fi revenge fantasy, the near future is played for depravity, for kicks. Set in a Detroit of cloud-topped skyscrapers and a decaying older part of the city where rapists and vandals run wild and every day is open season on cops, the movie is shot in a deliberate sicko-sleazo comic-book style. (Body parts are treated as if they were autobody parts.) When Murphy (Peter Weller), a young cop employed by the all-powerful conglomerate OCP, is blown apart by a gang of scummy sadists, OCP's scientists use his remains as part of a cyborg—an experimental model for an organic, automated cop that requires food but is virtually indestructible and is programmed to keep order. Part man, part tank, this virtuous knight in heavy metal clumps through the city. The picture keeps telling you that its leering brutishness is a terrific turn-on, and maybe it is if you're hooked on Wagnerian sci-fi comic books. The Dutch director, Paul Verhoeven, was nastily witty in "The 4th Man," but here, working in English, he doesn't have the timing or the spirit for that. This isn't gallows humor—it's just gallows pulp. As Murphy's woman-cop partner, Nancy Allen has the right soft tones to give the movie a little differentiation; it makes sense that she would get through to RoboCop's human memory. (When he removes his steel hood, his tense, pained face has the imaginative beauty that stirs audiences at classic horror films.) With Kurtwood Smith, Miguel Ferrer, Daniel O'Herlihy, Ronny Cox, and Robert DoQui. Written by Edward Neumeier and Michael Miner. Shot in Dallas (with added matte paintings of skyscrapers) and in a rusted abandoned steel mill outside Pittsburgh. (8/10/87) (Loews 34th Street Showplace, D. W. Griffith, Loews Orpheum, Loews 84th Street Sixplex, and National Twin.)

Roxanne—Steve Martin is improbably light on his feet in this airy, modern love comedy based on Rostand's "Cyrano de Bergerac." He seems to crossbreed the skills of W. C. Fields and Buster Keaton, with some Fred Astaire mingled in. And as the stargazer Roxanne Daryl Hannah gives off a womanly radiance—a combination of carnality and moonglow. Directed by Fred Schepisi, from Martin's script, this film is unabashedly romantic. It's set in the ski-resort town of Nelson, Washington (nestled against the mountains, it seems a dream-built locale, but it's actually Nelson, British Columbia). You want to go to the town; you want to go back to the movie. It has a mellow, dotty charm. With Shelley Duvall, Rick Rossovich, Shandra Beri, and a squad of volunteer firefighters who are like Keystone Cops. Cinematography by Ian Baker; music by Bruce Smeaton. (6/15/87) (Baronet, Waverly, and Embassy 72nd St. . . . ¶ 34th St. East; through Aug. 13.)

Tampopo—Written and directed by Juzo Itami, this understated farce has its own brand of dippy enchantment. It's about noodles, pleasure, and the movies. The title, which is Japanese for "dandelion," is the name of a fortyish widow (Nobuko Miyamoto) who is trying to make a go of a run-down noodle shop on the outskirts of Tokyo. A courtly truck driver (Tsutomu Yamazaki), who wears a dark-brown cowboy hat straight across his brow, like the righteous hero of a solemn Western, makes it his mission to help her become a real noodle cook. The film crosscuts between the story of Tampopo and her cowboy samurai and the culinary-erotic adventures of a pair of lovers: a gangster in a white suit and his ready-for-everything cutie. These two demonstrate that eating and sex can be the same thing. The movie is constructed like a comic essay, with random frivolous touches, and much of it is shot in hot, bright color that suggests a neon fusion of urban night life and movie madness. The subtexts connect with viewers' funnybones at different times, and part of the fun of the movie is listening to the sudden eruptions of giggles—it's as if some kids were running around in the theatre tickling people. In Japanese. (6/1/87) (Cinema Studio.)

The Untouchables—Set in Chicago circa 1930—Al Capone's capital of crime—this Brian De Palma movie, from a script by David Mamet, is like an attempt to visualize the public's collective dream of Chicago gangsters. Our movie-fed imagination of the past is enlarged and given a new vividness. De Palma is a showman here. Everything is neatly done in broad strokes, and the slight unbelievability of it all makes it more enjoyable. Robert De Niro's Capone is a plump peacock with receding hair and a fat cigar in his mouth. The four men who fight to restore the honor of a corrupted society—the four who can't be bribed, the Untouchables—are the fresh-faced young Special Agent Eliot Ness, played by Kevin Costner; a smart, ornery veteran cop, played (magnificently) by Sean Connery; a rookie-cop sharpshooter (Andy Garcia); and a small, middle-aged accountant (Charles Martin Smith). It's not a great movie; it's too banal, too morally comfortable—the script is too obvious. But it's a great audience movie. Cinematography by Stephen H. Burum; music by Ennio Morricone. (Every now and then you may wonder what Morricone's throbbing disco-synthesizer beat is doing in this period.) (6/29/87) (Loews 34th Street Showplace. . . . ¶ Loews New York Twin, and Loews 84th Street Sixplex; through Aug. 13. . . . ¶ Embassy 1; through Aug. 20.)

The Whistle Blower—A gray, muted British thriller about double-dealing and intricate coverups in the intelligence service. Julian Bond's script (from a novel by John Hale) aims for the tone of civilized amorality familiar to readers of John le Carré, and the director, Simon Langton, has worked this territory before—he directed the memorable TV adaptation of "Smiley's People." But this story isn't quite complex or surprising enough to engage us fully—the fiendish overelaboration of a le Carré plot is missing. It's painless, though, thanks mostly to its good cast. Michael Caine is, as always, effortlessly convincing; Sir John Gielgud provides yet another of his impeccably chiselled cameos; Barry Foster does a spectacular drunk scene; and Nigel Havers, Felicity Dean, James Fox, and Gordon Jackson mill competently through the background.—T.R. (68th St. Playhouse.)

Wish You Were Here—Set in a seaside town on the south coast of England and shot in warm, sunny flesh tones, this English comedy has a satirical yet dreamlike texture. It's about an uncontrollably ribald girl who flaunts her sexuality the same way she flaunts taboo words. It's 1951; she lifts up her skirts to show off her Betty Grable legs and gives men a good look at her knickers. The sixteen-year-old Emily Lloyd, who plays the part, has the kind of freshness and youthfulness that can't be faked on camera; she embodies everything that the writer-director David Leland is trying to say about the spontaneity, the honesty, and the happy, rude extroversion that kids have pressured out of them. The film is based on the early years of Cynthia Payne, who was the inspiration for the madam in "Personal Services" (which Leland wrote). The first-rate cast includes Tom Bell as the girl's bookie lover, Geoffrey Hutchings as her father, Jesse Birdsall as her bus-conductor boyfriend, Pat Heywood as her aunt, and Heathcote Williams as the psychiatrist she's taken to. The film has its banal side, but it's never visually banal; the cinematography is by Ian Wilson. (7/27/87) (Lincoln Plaza.)

The Witches of Eastwick—It wavers between satirizing a hyper-sexed male's misogyny and revelling in it. Directed by George Miller (of the "Mad Max" movies), from a rickety script credited to Michael Cristofer, the movie resembles its source, John Updike's 1984 novel, only in its high gloss, the general outlines of the leading characters, some purloined lines of dialogue, and Jack Nicholson's entertainingly uncouth turns of phrase. As "your average horny little devil" he is so repulsive he's funny, and he has invented some furiously demented slapstick; he's an inspired buffoon. The three beauties whose combined longing for a man is potent enough to lure this devil from New York City to the (fictional) New England town of Eastwick are Cher as a sculptor, Susan Sarandon as a cellist and music teacher, and Michelle Pfeiffer as a reporter on the *Word*. (A brunette, a redhead, and a blonde, they have lost their husbands by death, divorce, and desertion.) About half the scenes don't make much sense, and the final ones might as well have a sign posted: "We're desperate for a finish." But even at its trashiest the movie keeps bumping along. And those women are a supple trio—not a brittle bone among them. Nicholson has waited all his acting life for a harem like this. With Veronica Cartwright as an unlucky puritan. Cinematography by Vilmos Zsigmond. (6/29/87) (Movieland 8th Street Triplex, and Criterion Center. . . . ¶ Manhattan Twin; through Aug. 13, evenings only.)

Withnail and I—This first film directed by Bruce Robinson is a very peculiar comedy about a pair of young unemployed actors living in London in 1969. This isn't the bright, swinging London of sixties legend but the damp and sunless city that always was and always will be—a claustrophobic, mildewy atmosphere lightened only by sporadic blasts of undergraduate wit. The heroes are extremely funny in the first half hour, using jokes and a variety of intoxicants to keep the rot from seeping into their bones. Then Robinson (who also wrote the screenplay) transplants them to a decrepit country cottage, and the picture—almost literally—bogs down: there hasn't been this much mud onscreen since the last hour of "The Seven Samurai." He never completely runs out of comic energy, though, and Richard E. Grant, as the flamboyantly dissolute Withnail, is wonderful throughout. This crumbling hippie/dandy is never so drunk or so stoned that he can't launch a brittle bon mot, in a perfect upper-class accent. He suggests, simultaneously, George Sanders and Keith Richards—no small accomplishment. With Paul McGann (as "I"), Richard Griffiths, and Ralph Brown as a drug dealer who attaches himself like a mold to the heroes' sofa.—T.R. (Carnegie Hall Cinema.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Performance Today", a stellar feature from National Public Radio, celebrates the Arts in America. Theatre, Dance, Literature, Film. And, of course, Music, from premier concert performances to the latest commercial releases, with incisive commentary by expert reviewers.

"Performance Today", presented Monday through Friday, is underwritten in part by a major grant from the Chrysler Corporation Fund. Consult your local listings for times and National Public Radio stations.

Listen to the artistry of America.

CHRYSLER FUND

BRINGING AMERICA THE BEST.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW YORKER

THE TALK OF THE TOWN

Notes and Comment

"IT'S what they wanted. The people of Juigalpa told us, 'Boy, what this city really needs is a garbage truck.'" Kip Eckroad, of Ann Arbor, Michigan, was talking about Ann Arbor's sister city—Juigalpa, Nicaragua. He went on to explain that the Sister City Task Force, of which he is a member, had gone out and bought Juigalpa a garbage truck: a spanking-new white Haul-All Model 12. Shipping heavy equipment to Nicaragua turned out to be a very expensive proposition, however, and so Eckroad and his friends Kurt Berggren and Tom Rieke set out from Ann Arbor on a recent Thursday morning to drive the truck to Juigalpa themselves.

Inside the cavern of the truck's compactor, a hammock had been hung. That's where we rode. Kurt Berggren was also in the compactor; he sat in a lawn chair. Scattered around were books, rum, ice, some Haul-All hats and mugs, many plastic jugs of water, a beer cooler, and a couple of baseball gloves. For communication with the cab, there was a hammer and a Sky Talker walkie-talkie (on loan from the Eckroad children). We asked Berggren, a bearded civil-rights attorney who grew up on Manhattan's upper East Side, about the Sister City relationship.

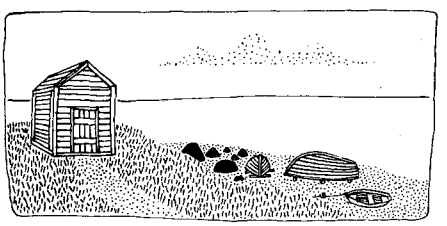
"Well, they try to put you together with a city that has something similar to your city," he said. "Come to think of it, I don't know what's similar about Ann Arbor and Juigalpa. Juigalpa's got about thirty thousand people—Ann Arbor's four times that size. Juigalpa's a cattle and farming town—that definitely wouldn't describe Ann Arbor. We do have a few things in common, though. When Cándido Vallecillo, the mayor of Juigalpa, was up here, I took him to the season opener between the Yankees and the Tigers. He *loved* it."

Through the compactor's open back door we could see fields swaddled in blue early-morning mist. As we crossed into Ohio, a blood-red sun rose over the trees across the freeway. Berggren tried to read the newspaper, but the breeze inside the compactor was capricious, and plastic-foam packing chips rose in a steady stream out of a nearby cardboard box and pelted him in the face. He gave up on his newspaper, and looked down at the cup he was holding. "There's a piece of that foam in my coffee," he said.

The Haul-All made a pit stop somewhere in northern Ohio, and we took the opportunity to move to the cab. Kip Eckroad was driving, with one bare foot up on the dashboard. A solidly built fellow with an open, boyish face, Eckroad is an engineer, and he has spent eight years in Latin America. His most recent stint, on a Fulbright (his second), involved teaching microcomputer applications in Argentina. He told us that he had first met Berggren and Rieke last year while they were on a trip to Juigalpa with a Sister City delegation. (That time, they flew.) "We jokingly divided that delegation into three camps," he said. "There were the young idealists, the Old Guard antiwar types, and the midlife-crisis group. We were the midlife-crisis group. We were maybe a little more lighthearted than some of the others." (Eckroad and Rieke are forty-three; Berggren is forty-nine.)

We asked Eckroad about the truck.

"It's a great unit," he said. "The Parks Department in Ann Arbor has one of these, and they swear by it. The packer will hold twelve cubic yards of garbage. It has a hydraulic system that runs off the engine. When Cándido came up, he went around and looked at all the trucks. It was really his decision. He thought this one looked a little small, but he was also looking for something simple—that wouldn't need too much maintenance. And then we found that Haul-All, in Alberta, could provide these trucks with diesel engines and manual transmissions, which nobody in North America seems to want, but which were just what we wanted. Juigalpa is really hilly. This has got a three-speed, plus compound low, and a special microbrake—we installed it. What do they do with their garbage in Juigalpa now? Well, they've got a couple of old shallow-bed dump trucks. But they seldom have both of those trucks running at the same time. They really need a new, closed truck—for sanitation reasons, above all. So the people in Juigalpa are pretty excited about this. I guess they're planning a big celebration when we get there. We've got this ribbon, all covered with messages from people in Ann Arbor, that we're going to wrap around the truck when we arrive. It's kind of a nice personal touch, I think, to hand over the truck ourselves, instead of having it just show up."



We asked Eckroad about Nicaragua awareness in Ann Arbor.

"It's relatively high," he said. "And I think this truck contributed. Even people who I know are politically conservative got into the project. You can't really criticize a garbage truck."

At an Amoco station in Fort Shawnee, Ohio, we were given a demonstration of the Haul-All's garbage-collecting abilities. The left wall of the compactor opened until it presented

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a hippopotamus-size hopper on the ground. With a hydraulic wheeze, the hopper rose up, then swung in so that the triangular blades on its lower lip nearly eviscerated the beer cooler in the compactor. Then the hopper swung up and over and down in a convincing crushing motion.

Back on the road, with both Rieke and Eckroad now in the cab, there was some discussion of routes.

"Didn't you bring your big book of maps?" Rieke asked.

"I should have," Eckroad said.

It was agreed that, in any case, the truck was headed for Dayton, Cincinnati, Louisville, Nashville, Little Rock, Dallas, San Antonio, Laredo, Monterrey, Mexico City, Guatemala City, San Salvador, and Juigalpa, pretty much in that order.

"Boy, the corn looks good down here," Rieke said. Tom Rieke is a tall, slim, ruddy-faced man with straight black hair. He once wrote and produced radio programs for schools, while he was in the Peace Corps in Barbados, and before that he was a public-relations officer for the University of Michigan. He's now a free-lance business writer. He was right about the corn: it was eight feet high, in perfect rows, for mile after mile.

At a truck stop near Dayton, the attendant telephoned for permission to accept Kip Eckroad's credit card. We told the attendant that this garbage truck was bound for Nicaragua, and asked him what he thought of that. He said warily, "That's all right. All we need is the registration number and the name of the company."

While we churned past the industrial parks south of Dayton, Rieke pronounced himself delighted to be taking the Haul-All to Nicaragua. "I can't think of a better way to spend my vacation," he said. He added, however, that last year, while the Sister City delegation was visiting Juigalpa, he had gone out to inspect the site of a Contra attack, and later had heard that in subsequent attacks some of his companions on that inspection trip were killed and the truck they'd all ridden in that day destroyed. The news seemed to be making this journey less of a lark for him than it might have been.

Kip Eckroad has travelled a lot in Central America—once, while coming north by motorcycle, he got stuck in Tegucigalpa during what became known as the Soccer War, and ended up having to catch a boat around to Guatemala—so we asked him about the road ahead.

"I just don't know about El Salvador," he said. "We might get off the Pan-American Highway and go around through Honduras, but it's long, and I think it's the rainy season now, and the roads aren't too good, and we'd have to get into some pretty remote areas, where a breakdown would be a real problem. We'll just have to see how it goes. We'll stay off the Mexican highways at night, but we hope to hit Guatemala City by Tuesday night."

We wished we could be there. Indeed, we felt like just staying on that garbage truck, bombing southward, for as far as it might take us. But we had made other arrangements, so we bailed out at Cincinnati, where Tom Rieke observed, "This may be the only time you'll be delivered to the airport in a garbage truck."

We told the delivery crew that we would follow their progress toward Juigalpa as closely as we could, and we have. We called either Eckroad's wife, Kathy, or Berggren's wife, Anne, every night for nearly two weeks. From them we learned that after a smooth run to Laredo the truck was held up for several days, first by the American border authorities and then by the Mexican ones. By the time the truck finally crossed the border, at Brownsville, most of Ann Arbor, according to Kathy Eckroad, was rooting for the expedition. "This has turned into a saga," she said. The Sister City Haul-All was delayed again at the Mexico-Guatemala border, but again it got through. The news from El Salvador was bad—two bridges on the Pan-American Highway had just been blown up—so the crew detoured through the mountains of Honduras, spending two days on twisting, muddy back roads. Finally, on the twelfth day of their journey, they crossed into Nicaragua. Their wives were jubilant, and so were we. So was most of Ann Arbor, and so, we imagine, were the people of Juigalpa when the freshly washed and beribboned garbage truck from *El Norte* rolled into town.

• •

Toads

"YOU here for the frogs?" the security guard in the building on West Fifty-seventh Street, next door to the Hard Rock Café, asked arriving guests the other night as they waited in the lobby for the elevator.

(Where do these security guards come from, anyway? No, they were not there for the *frogs*—webbed hind feet, smooth skin—for crying out loud. They were there for the *toads*—unwebbed hind feet, bumpy, warty-looking skin. They were there to find out how toads cross roads. The ideal answer is toad tunnels, but more about that in a moment. In the meanwhile, go ahead and say it: "You here for the toads crossing the roads?" That's better. *Much* better.)

Three friends—DeWitt, Bert, and Len—entered the elevator together. DeWitt wore a light-blue cotton shirt and black slacks, and said, "I just by good fortune saw a wildlife program on television about desert toads, which bury themselves in the sand, then climb out, find a puddle and make love, and leave their little tadpoles there, and then a lot of the tadpoles are eaten by other animals, which is all very fascinating, so I'm all toaded up."

(Terrific, DeWitt—fascinating for *you*, certainly, but what about the little tadpoles who are less fortunate than the other little tadpoles?)

The elevator stopped at the seventh floor, home of the DiMele Center, which is a place people pay money to go to so they can explore issues such as personal growth and transformation, stress reduction, holistic health, mood swings, the somatic aspects of bonding, the fear of losing control, and . . .

(Enough already. This isn't a story about the DiMele Center. It's about a slide show and an informal talk by Tom Langton, staff herpetologist of the Fauna and Flora Preservation Society, of London, that just happened to take place at the DiMele Center. Now let's move it along.)

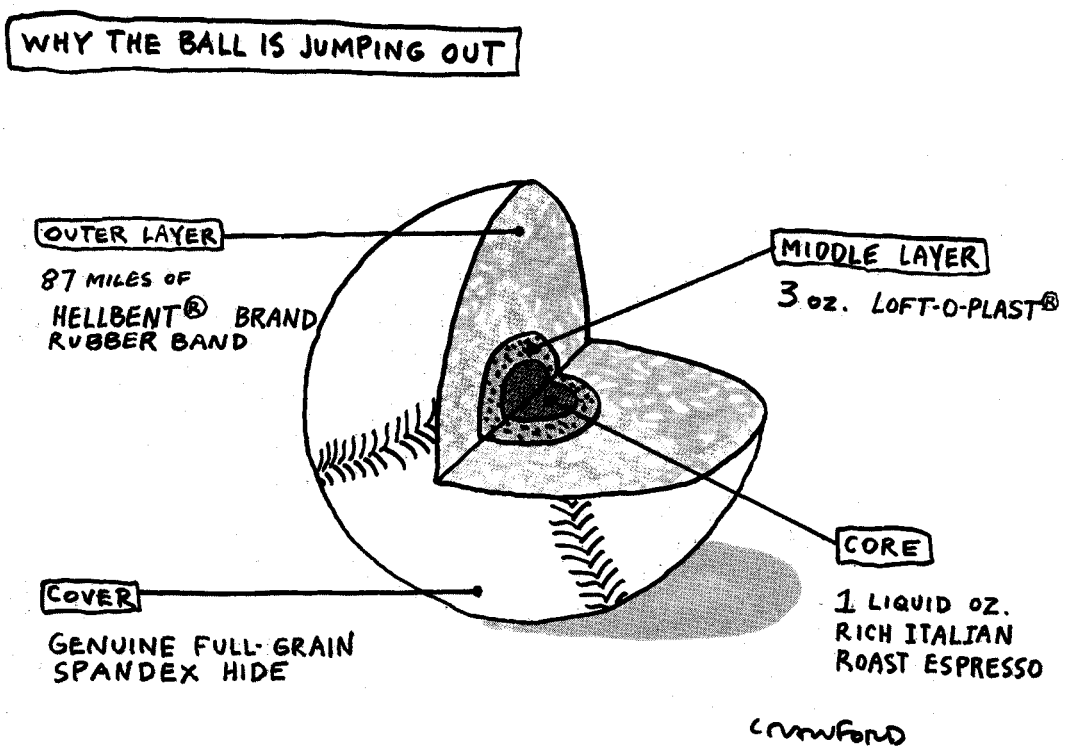
DeWitt, Bert, and Len encountered an English friend named David.

(All right, the guy's *from* England, but he divides his time between over there and over here, so what's that make him? Bicontinental? Anyway, this fellow David evidently needs to spend more time over here, because he says, "I must confess, I know nothing about American toads at all.")

The story involving toads and roads goes like this: Toads hibernate in the winter, and then, when spring comes and they get the urge to spawn, they migrate toward ponds and lakes that may be quite far away. Tragically often, there is a road between the toad and his or her favorite pond or lake. Late at night, the toad decides to cross the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

road, and just as that happens along comes a guy named Trevor, or maybe Cedric, who, having guzzled several pints at the pub, has now decided it is perfectly reasonable for him to hop into his shiny black Rover and drive home at a speed unsafe for concupiscent toads. About twenty tons of toads die each year on English roads. A quotation from some literature that is distributed by the Fauna and Flora Preservation Society: "Toad mortalities have been so great at some sites that the possibility of skidding on the thousands of toad bodies has been considered a real danger." Hence an urgent need for *toad tunnels*.



Bert, who has blond hair and a pink complexion and was dressed in bright-red slacks, a bright-red shirt, a white folding golf cap, white socks, and white shoes, said, "My question is, how do you get the first toad to go through the tunnel so the others follow?"

"I think they all just queue up, one by one," said David.

(Revealing once again that he is more familiar with English toads than with American toads. American toads "queuing up"? Right.)

David could not recall having ever driven over a toad. "I've trod on toads, however," he said. "In the Solomon Islands. It was impossible not to walk on toads at night there. But I think the toad situation is a different thing altogether in the tropics. If you arrived home after dark, there was no way to walk to the house from the garage without a toad mishap, although, of course, being English, we carried torches to look out for them. Frankly, in England I think there are far more hedgehogs killed than toads, but then I suppose . . ."

(Dave, did anyone ask you to speculate about hedgehogs? You mind if we just stick with the original subject?)

The invitations to meet and listen to Tom Langton came from Jonathan Taylor, who now, surveying the audience of about sixty people, said, "This is absolutely stunning to me. I had no idea we would get a crowd this size. Every single person we invited tonight said yes. We're really hoping that this kind of thing will bring about more awareness of the problems facing toads."

(Let's talk motives here, Jonathan Taylor. Isn't it true that you are working on, and hoping to find financing for, a theatrical musical, tentatively titled "Tunnel of Love"? And would it upset you terribly if a theatrical musical that you had written to "bring about more awareness of the problems facing toads" inadvertently earned you about a hundred million dollars?)

" 'Tunnel of Love' is supposed to be a good commercial-theatre piece," said Jonathan Taylor. "I don't want to call it a musical comedy. I hope it will be funny, but it really will have a strong ecological message to it."

A couple of friends of Jonathan Taylor passed around glasses of water —"the favorite drink of frogs and toads." Then Parks Commissioner Henry Stern, who said he had stopped by to put in a good word for all species, introduced Tom Langton, who, in turn, put in a good word for all herpetologists.

Tom Langton, a dark-haired man in his late twenties, said, "The topic this evening is going to be the phenomenon of toads on roads in England." He added that anyone with questions should feel free to interrupt him along the way. DeWitt interrupted him immediately.

"Tom, do we have toad tunnels in America?" DeWitt asked.

"Not yet," said Tom Langton.

"I thought there were some. I'd heard there was one somewhere in New Jersey."

("That's the *Lincoln* Tunnel," said a woman seated in the row behind DeWitt. Which subdued him for the remainder of the evening.)

Tom Langton talked about what it takes to make a toad tunnel that toads will really cozy up to: humidity, dim light, a nice slippery feel, walls fabricated of a polymer compound that won't dry out. Once Tom Langton and his colleagues settled on the appropriate design, they had to decide where to install England's first toad tunnel. They chose a spot in the town of Hambleden, near Henley-on-Thames.

"Why did we come up with Hambleden?" Tom Langton asked rhetorically. "It's very difficult to say why. It just looked like the right place."

(What really happened was that Tom Langton, who makes sugary public remarks like "I think we're tapping hearts in the ministries and in Whitehall. The Queen Mother has been heard to utter some words of approval regarding the project"—this same Tom Langton and his fauna- and flora-loving henchmen set their sights on Hambleden, encountered resistance from certain skeptical local officials there, and then strong-armed their way past those local officials by saying, "If you don't go along with us, do you realize what people

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

will say about your attitudes toward toads?")

The toad tunnel was opened last March, with a ceremony attended by Lord Skelmersdale, at the time Mrs. Thatcher's Under-Secretary of the Environment, who cut a ribbon at the tunnel entrance and posed there with a toad.

(Did the toad enter the tunnel? Not on your life. The toad was a ringer from London. The toad was *rented* for the occasion, O.K.?—brought in for the benefit of the media, and Lord Skelmersdale damn well knew it.)

The fact is, hibernating toads go noplace until the temperature rises toward five degrees Celsius. Then they really get cooking, although they're not so hormone-crazed as to go scurrying down a toad tunnel in broad daylight with Lord Skelmersdale and a bunch of paparazzi hanging around. Tom Langton displayed a photograph of the tunnel entrance on an evening when the air had at last heated up to five degrees. He characterized the scene as "four or five hundred toads doing what could best be described as loitering with intent."

(Which is typical British euphemism for you. A shameless amphibian orgy is what it looked like.)

Answers

THE person responsible for the slightly perceptible knot in pedestrian traffic at the northeast corner of Bleecker Street and Seventh Avenue is Jean-Pierre Fenyo, The Free Advice Man. He has a sign: "J.P.'s Free Objective and Realistic Advice on Almost Any Subject." It also says, "Make no assumptions, please; not a religion, not a mystic," and "Not Qualified to Give Medical or Legal Advice." Occasionally, to attract benefactors or patrons (never clients or customers), he has lain down in the middle of the sidewalk. Usually, though, he sits on a folding chair outside the Geetanjali Restaurant and just waits for people to come to him. Now and then, he will lean forward and say, "Good evening. I've got a problem, do you?" Or "Good evening. Financial, personal, marital, career—try me with one big problem." Patrons and benefactors used to sit beside him on a second folding chair. At night, The Free Advice Man would lock the heavier of the chairs to the "No Parking" sign on the corner and take the other home. A few weeks ago, the heavier chair was stolen. Now he sets up his chair beside a concrete box concealing a pump outside the laundromat next door to the restaurant, and patrons and benefactors sit on the box. It is not as intimate or private. The Free Advice Man has dark hair, dark eyes, and dark skin. Recently, he lived for two years in the Sudan. His face is heart-shaped, his chin is pointed, and he has an almost flawlessly sculptured nose. He is frail. If you ask him how old he is, he'll say, "I have been around the sun twenty-three times."

Mr. Fenyo has a flyer that says, "New York's one and only 'Free Advice' guy may have the answer to your problem(s)." It also says that he has received media attention from places as far away as the Philippines and Ireland, and that his advice is based on "infinite realism," and that interviews and photo sessions are best scheduled for Wednesdays. Altogether, he has given advice to about six thousand people, only four of whom were dissatisfied. What happened is they failed to follow his advice. Despite his success, he says, "I do use disclaimers." Sometimes during one of his sessions with a benefactor, a crowd will gather and a discussion will begin and some things will get stirred up, and for a moment out there on the street it's like a Phil Donahue segment.

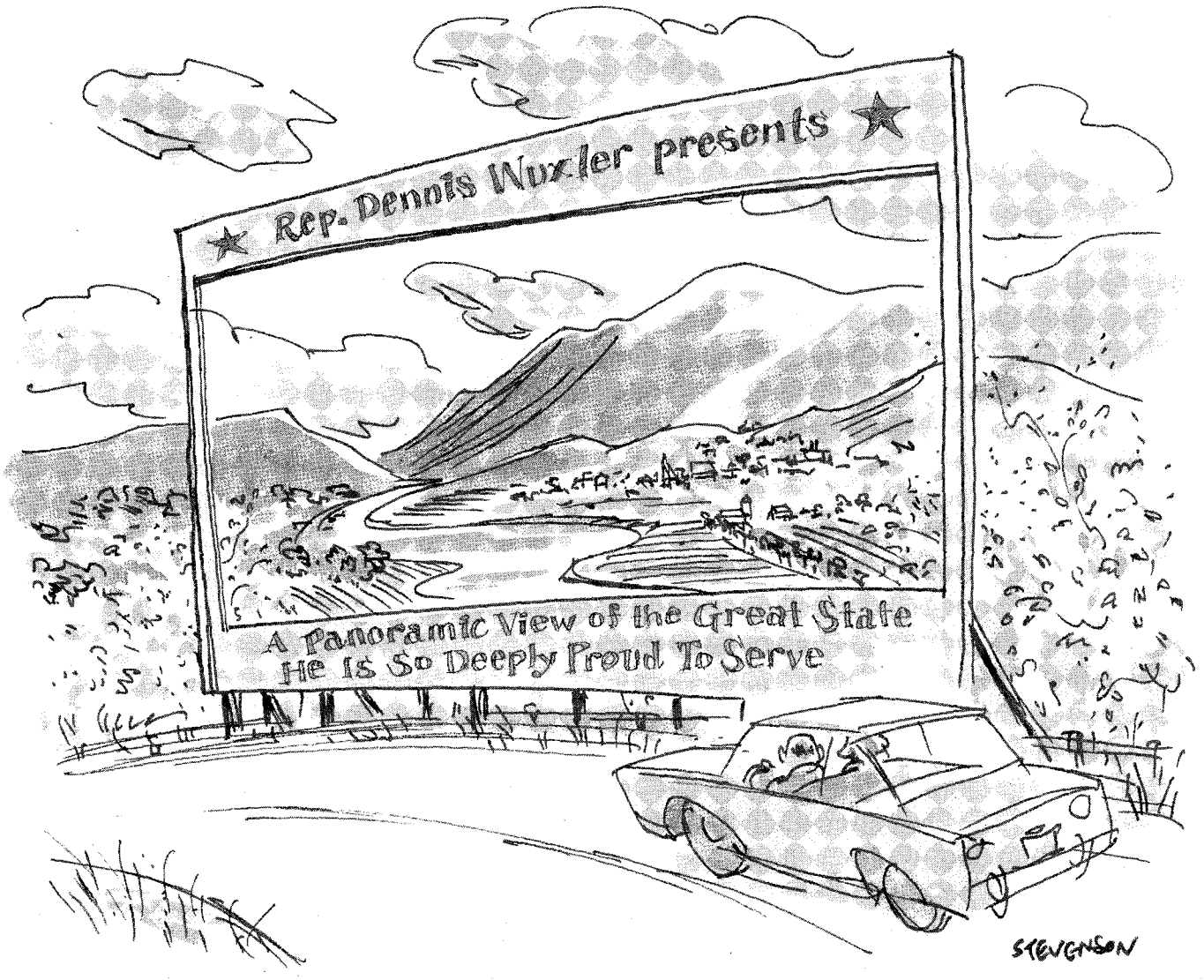
Mr. Fenyo would like to have a column in a newspaper. "Anything," he says, "to be known internationally as The Free Advice Man." He wears a whistle on a cord around his neck, for security reasons. He carries a map of the city. "I don't like to spend too much time giving directions," he says, "but because there's such a demand, I do give them. Sometimes. I don't really consider it advice. It's directions. I like to make the distinction."

He also says:

"I'm accessible."

"I haven't seen you since Woodstock! Do you still make your own shoes?"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



"My main tool is simplicity."

"I was born in Washington, D.C., and I lived there three years. With my parents, I moved every two or three years, all over Europe and Africa and the U.S. I've visited sixty countries and lived in seven, and I speak six languages. My mother is a retired professor of archeology, and my father is a professor of history. She dug up the past, and he just talks about it."

"I don't take anything for granted, except nothingness, and that's not much."

This might be a typical exchange with a benefactor:

Young Man: "I just got out of school, and I'm staying in Poughkeepsie for the summer, and I have to go home in the fall. What do I do? I don't want to work. I never liked any job I ever had."

The Free Advice Man: "You don't have to have a job. You can have a career."

Or this:

T.F.A.M., to young woman standing before him reading his sign, "Hi, what do you do for a living?"

Young Woman: "Not much."

T.F.A.M: "But what?"

Y.W.: "Acting."

T.F.A.M.: "Not doing too well?"

Y.W.: "I don't want advice about that. I already get too much."

T.F.A.M.: "Let me ask you a question. Are you invested in any stocks and bonds?"

Y.W.: "No."

T.F.A.M: "Good. Stay out of that. Got any land?"

Y.W.: "No."

T.F.A.M.: "Too bad. Get that."

When people tell him that they don't think they have any problems, he tells them that he thinks they do. He recommends that they go recline and reconsider. Something will come up.

The other evening, The Free Advice Man was sitting in his chair outside the restaurant. He held his sign in front of his chest. People passed in and out of his view on both sides. Some of them stopped and read his sign, but no one sat down, and if he spoke the people moved on. A black woman paused in front of him.

The Free Advice Man said, "Good evening. I've got a problem, do you?"

The woman said, "I'm my *own* analytical analyst," and walked away.

A man came by on a motorcycle that was elaborately decorated with twisted metal and looked like a piece of abstract sculpture on wheels. The man parked the motorcycle on the far side of Bleecker Street. The Free Advice Man picked up his chair and moved it across the street, next to the motorcycle. "This is fantasy, I'm reality," he said to someone admiring the motorcycle. He stood in the middle of the sidewalk, forcing people to walk around him. He held his sign slightly above his head, and waved it slowly, as if it were being moved by the breeze. In a moment, a woman walked by with tears streaming down her face. Unfortunately, The Free Advice Man was looking in the other direction.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JAWS

HOW is William to prove to Natasha that he still loves her? That's the problem I'm working on, mentally, as I check the invoices and get the big double-parked trucks from the warehouses unloaded and deal with all the people bringing in aluminum cans for redemption. Benny, this black Housing cop who had ordered a hot pastrami on rye with mustard from our deli and then had to rush out on a call, is now eating his hot pastrami and telling me about this woman who was hanging out of a sixth-floor window over on Second Avenue where he and his partner couldn't get at her. "She wouldn't come in," Benny says. "I said, go ahead and fly, Looney Tunes. I shouldn't have said that. I made an error."

I understand how that could be. This woman wanted to blend her head with Second Avenue and mess up the honor of the Housing Police, probably because somebody didn't love her anymore. Mutilation, actual or verbal, is usually taken as an earnest of sincere interest in another person. Verbal presentations, with William and Natasha, are no good. So many terrible sentences drift in the poisoned air between them, sentences about who is right and sentences about who works harder and sentences about money and even sentences about physical appearance—the most ghastly of known sentences. That's why Natasha bites, I'm convinced of it. She's trying to say something. She opens her mouth, then closes it (futility) on William's arm (sudden eloquence).

I like them both, so they both tell me about these incidents and I rationalize and say, well, that's not so terrible, maybe she's under stress, or maybe he's under stress. I neglect to mention that most people in New York are under some degree of stress and few of them, to my knowledge, bite each other. People always like to hear that they're under stress, makes them feel better. You can imagine what they'd feel if they were told they weren't under stress.

Natasha is a small woman with dark hair and a serious, concerned face. Good teeth. She wears trusty Canal Street–West Broadway pants and shirts and is maybe twenty-six. I met her three years ago when she came over to my little cubicle at the A. & P. at Twelfth Street and Seventh to cash a check, one that William had signed. Of course she didn't have the proper I.D., since she wasn't William. But she was so embarrassed that I decided she was O.K. "He's a little peculiar about money," she told me, and *I* was embarrassed. I thought, What's with this guy? I thought he was probably some kind of monster, in a minor way. Then one day he came in to cash a check himself. "Why don't you put your wife on your account?" I asked him. "I cash her checks because I know her, but sometimes I'm not here. Also, she must have trouble other places. I mean, I'm not telling you how to run your life."

William blushed. You don't see that much blushing at A. & P. Twelfth Street. He was wearing a suit, a gray Barneys pin-striped number, and had obviously just come from work. "She has a tendency to overspend," he said. "It's not her fault. She was born to wealth and her habits never left her, even when she married me. When we had a joint account she never entered the checks in her checkbook. So we were always overdrawn and I finally closed the account and now we do it this way."

When Natasha found out about William's affair with the girl at the office, I should say woman at the office, she came straight to me and told me everything. "It was at the office picnic in Central Park," she said. "Everybody was playing badminton, O.K.? In bare feet. William was playing and I noticed that he had a piece of silver duct tape around his big toe. He had a cut, he said. William uses duct tape for everything. Our place is practically held together with duct tape. And then later on I noticed that this rather pretty girl was playing with a piece of duct tape on her ankle. She'd scraped her ankle. And that told me the story, right there. I confronted him with it and he admitted it. It was as simple as that."

"It tells the entire story of the Ming Dynasty through the eyes of a lustful courtesan."

Well, romance is not unknown at the A. & P. We are an old and wise organization and have seen much. We are not called the Great Atlantic and Pacific for nothing, we contain multitudes and sometimes people lock gazes across the frozen rabbit parts and the balloon goes up, figuratively speaking. I counselled forbearance. "Don't come down too hard on him," I said. "Wil-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

liam is clearly in the wrong in this matter, that gives you a certain edge. Don't harangue or threaten to cry and weep. Calm, rational understanding is your mode. Politically, you're way out in front. Act accordingly."

I think this was psychologically acute advice. It was the best I had to offer. What she did was, she bit him again. On the shoulder, in the shower. He was in the shower, he told me, and suddenly there was this horrible pain in his left shoulder, and this time she did break the skin. He had to slug her on the hipbone to make her let go. "It's the only time I've ever hit her," he said. He poured Johnnie Walker Black over the wound and slapped a piece of duct tape on it and took a room at the Mohawk Motor Inn, on Tenth Avenue.

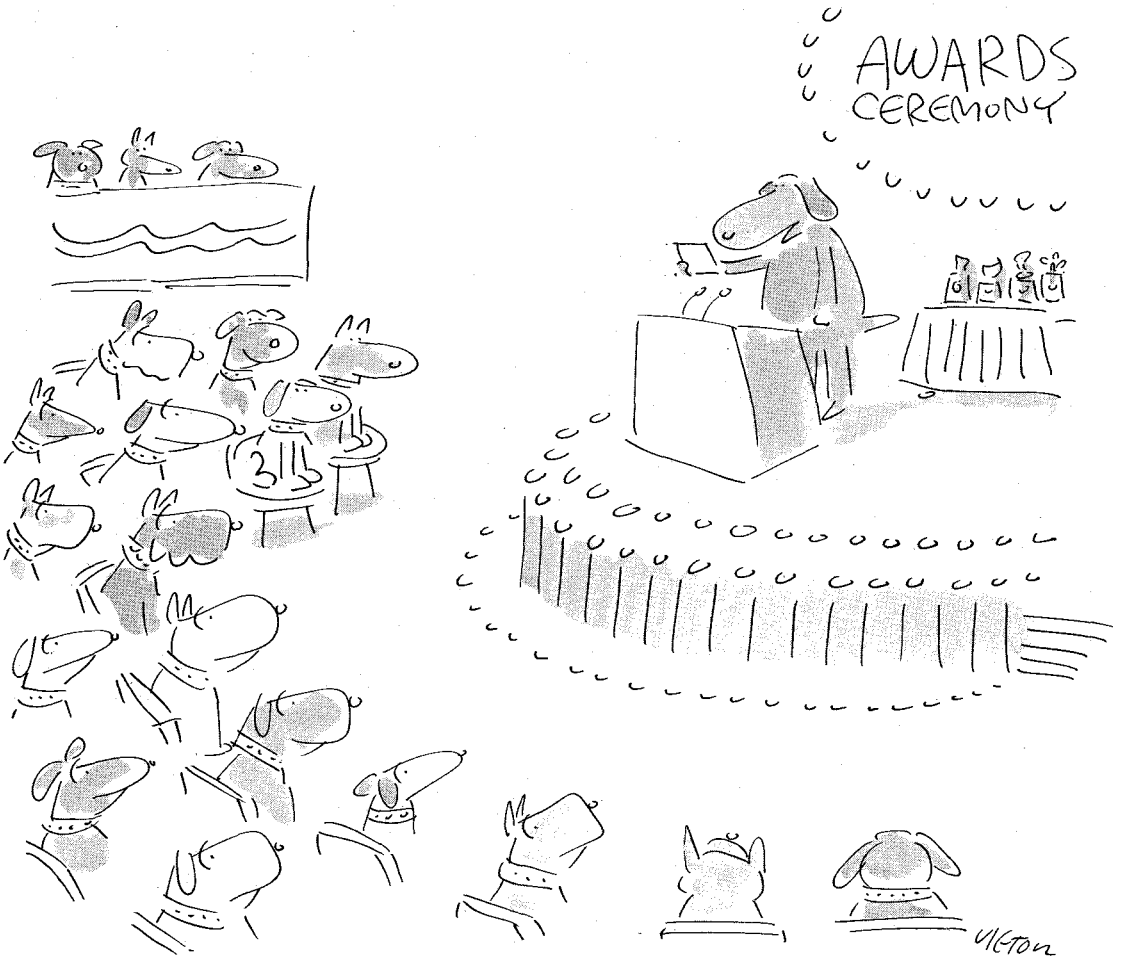
William has not only not proved to Natasha that he still loves her but has alienated her still further, because of the thing with Patricia, whom he's not seeing anymore, in that way. Furthermore, he's been in the Mohawk Motor Inn for a week, and that can get to you. Nothing breaks down a man accustomed to at least some degree of domestic felicity than a week at a Motor Inn, however welcoming. He walks over in the mornings from the Mohawk for a bagel with dilled cream cheese and to find out if Natasha's been around. I have to be, and have been, strictly impartial. "She was in," I say. "She's butterflying a leg of lamb tonight. Marinating it for six hours in soy sauce and champagne. I don't myself think the champagne is a good idea but she got some recipe from somewhere—"

"From her sister," William says. "Danni spreads champagne on hot-dog buns. Rex, what do you think?"

"Go home," I say. "Praise the lamb."

"How do I know it won't be the spinal cord next?"

"Hard to get to. Probably couldn't even dent it."



"And now, for best performance as a worthless cur . . ."

• •

"I feel like I'm married to some kind of animal."

"Our animal nature is part of us and we are part of it."

So he goes back to their apartment on Charles Street and they have a festive evening with the lamb and candles. They go to bed together and in the middle of the night she bites him on the back of the leg, severing a tendon just above the knee. A real gorilla bite. I can't understand it. She's a really nice woman, and pretty, too.

"You can't bite your way through life," I say to her. She's just seen William in his semiprivate room at St. Vincent's.

"The physical therapist says there'll be a slight limp," she says. "Forever. How could I have done that?"

"Passion, I guess. Feeling run rampant."

"Will he ever speak to me again?"

"What'd he say at the hospital?"

"Said the food was lousy."

"That's a beginning."

"He doesn't feel for me anymore. I know it."

"He keeps coming back. However chewed upon. That's got to prove something."

"I guess."

I DON'T believe that we are what we do although many thinkers argue otherwise. I believe that what we do is, very often, a poor approximation of what we are—an imperfect manifestation of a much better totality. Even the best of us sometimes bite off, as it were, less than we can chew. When Natasha bites William she's saying only part of what she wants to say to him, the worst part. She really wants to say, *William! Wake up! You and me, William!* But that gets lost in a haze of pain, his. I'm trying to help. I give her a paper bag of bagels and a plastic container of cream cheese with shallots to take to him, and for herself an A. & P. check-cashing application with my approval already initialled in the upper right-hand corner. I pray that they will be successful together, eventually. Our organization stands behind them.

—DONALD BARTHELME

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AN ABSENCE OF COUSINS

Ilka, an only child and a refugee from New York, was always asking people how they'd met. She had asked Professor Alpha Stone on the Bernstines' covered porch when the Bernstines went inside to get drinks. A small silence gaped and Ilka filled it: "You met here, at the Foundation?"

Professor Alpha Stone was a neat, round, smooth woman. She said, "No, at the sandwich bar during a pilots' strike."

She smiled at her husband, Alfred, who was a very large man with a large, shockingly handsome face—a countenance. It would have looked right on Mt. Rushmore.

It is always interesting to learn how male and female find each other, but this was not the information for which Ilka foresaw her most immediate need. Ilka, who was from Vienna, experienced a mild astonishment that she was sitting on the Bernstines' porch in farthest Connecticut. Ilka was waiting to be interviewed for a junior appointment at the Concordance Foundation, of which Joe Bernstine was a member and Alpha Stone the acting director. Ilka said, "I mean new people. Friends. How did you meet Joe and Jenny Bernstine?"

"How did I meet you?" Alpha Stone asked Jenny, who was coming with the ice and glasses.

"Chicago," said Jenny Bernstine. "Graduate school."

"How did you get talking together?" asked Ilka. "Where were you?" Ilka could see the hand of the beautiful Alfred Stone caressing the edge of his newspaper on the little table by his elbow and talked faster. "How did you happen to be in the same place?"

"I think Edwin brought you over, no?"

"I think," said Jenny Bernstine.

Ilka said, "How did you meet Edwin?"

"Dave Foster's car gave out and Edwin picked him up and brought him over," said Jenny Bernstine.

"How did you meet Dave Foster? How did Dave Foster meet Edwin?" Ilka asked, and Alfred Stone picked his paper up and began to read it. Alfred Stone had not been a member of the Chicago set of friends who were remembering: "Edwin married Frank's sister." "Half sister." "Dorothy. Who had polio." "They went to Honduras." "*Met* in Honduras."

"How?" asked Ilka, but the bell was ringing. It was Professor Aye, who shook Ilka's hand and said, "Martini please," and Professor Zee, who said, "Don't introduce us. Ilka and I met at the luncheon. Scotch-and-water. Thanks." Again the bell rang. Joe Bernstine brought the members of the Foundation out onto the porch. Ilka tried to figure which were the ones she had seen in the course of the day. Everybody was given a drink. Alpha Stone asked who might be available to meet with Leslie Shakespere Thursday and what time would be convenient.

Alfred Stone, who was not connected with the Foundation, looked at his watch, returned his paper to the little table, and went to sleep while they discussed the ongoing search for a new director. It was a subject on which the junior candidate could have nothing to say. Ilka held her head at the alert but discreet angle of one attending a conversation that was none of her business unless they stopped talking and interviewed her and she got the job, in which case she probably ought not to hear what they were saying. For a while Ilka experienced the small thrill of an eavesdropper in a world of whose existence she had known nothing till her arrival in Concordance that morning. But it is hard to keep the mind on dates and arrangements concerning a Leslie Shakespere with whom one has no relation, about whom one knows no stories, in whose existence, since she had never checked it out with her own eyes, Ilka did not know that she did not believe.

Ilka looked around for something to entertain her. She practiced telling Jenny Bernstine to her friends in New York: the startling whiteness of Jenny Bernstine's hair, which was short and cleverly cut, made her skin look like deepest summer. What animal did that flat-faced, pug-nosed kind of handsomeness remind one of? Not a cat, not a monkey. A pug. Jenny Bernstine, frowning with affectionate anxiety around her pleasant porch full of her friends, met Ilka's eye, got up, came over, and pulled up a chair.

"Search committees! They're killers!" Jenny frowned across the space that separated her from agile, smiling little Joe Bernstine, who looked to be moving among his friends with an air of happiness. Ilka was at leisure to study, at a remove of inches, the soft topography—lines, mounds, declivities—of Jenny Bernstine's middle-aged cheek, as tender as if the top layer had been flayed to expose the fineness of the skin below. "Sixty hours of meetings," said Jenny Bernstine, "on *top* of his own work *and* the Foundation *and* the university!"

Even the conversation of a search committee—at least any one round of it—runs its course and runs out. The silence woke Alfred Stone. Now Professor Zee turned to the candidate, whose heart flipped like a fish inside her chest. Professor Zee asked Ilka if she knew that Winterneet had done a lecture series for them at Concordance University the year of his Nobel Prize.

"Oh, did he!" said Ilka.

"You bet," said Professor Zee.

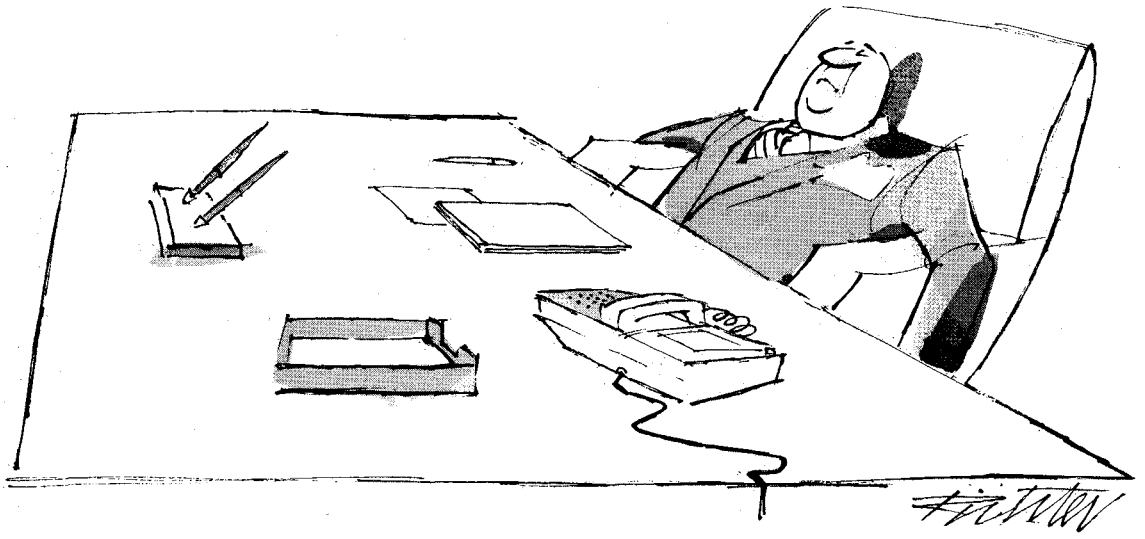
Jenny Bernstine said, "He lives the other side of town. We'll give Ilka our Concordance tour."

Now Alfred Stone looked at his wife. Professor Alpha Stone said, "So Thursday is a possibility for everybody?" She got up. Everybody was getting up. At the door the subject of the Shakespere candidacy erupted once more. Alfred Stone beat his thigh with the roll of his newspaper.

Jenny Bernstine drove. Ilka sat beside her and looked where Joe, in the back seat, pointed. "See that white building?"

Ilka saw several white buildings and she saw the walls and corners of more buildings, all of them more or less white. She said, "Aha?"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



POWER NAP

"That's the Highell Student Center," said Joe. "Over there is the new library that was only finished two years ago."

"Ah!" said Ilka.

"Three years," said Jenny. "That was before Abigail died."

"You're right," said Joe. "It was only finished three years ago."

"Abigail was not a bad poet in her own right," said Jenny.

"Who was Abigail?" asked Ilka.

"Highell," said Joe Bernstine. "Popsicle money. Abigail used to say her grandfather Highell invented the Popsicle stick. Funds the Foundation along with some federal dollars."

"Ah," said Ilka.

"See that little building with the pillars?"

"I see the pillars!" cried Ilka.

"In 1886 that *was* Concordance University."

"Aw!" said Ilka.

"Now," said Jenny, "we'll give you our Concordance town tour."

"Do you like living in a small town?" asked Ilka, looking hard out the window. "American streets always look too wide for their houses. I think American houses are always wanting to get away from the other houses across the street and go out West."

"Our bank," said Jenny.

The black glass block had been set down on Main Street, a wandering piece of Madison Avenue.

"Now!" said Jenny Bernstine. "Look up the hill to your right—look, look, look. Keep looking."

Ilka saw bushes, bushes, and bushes.

"Winterneet's house!" said Jenny Bernstine.

Ilka thought she might have seen a yellow corner and a lot more bushes.

ILKA went home to New York and said, "Who'll I talk to in Concordance?"

"You got the job!" her friends said, and Ilka started crying. Her friends waited for her to finish. Leina, who sat beside her, patted her arm.

Herbert said, "Winterneet lives in Concordance."

Ilka said, "He did them a lecture series the year of his Nobel Prize."

Jules said, "I knew a fellow—his brother-in-law used to play golf with the best friend of Winterneet's lawyer. I'll see if I still have the number."

"This is your chance to discover the real America," Ilka's friends said to her. Ilka was a talker. Her friends were familiar with her refugee anecdotes; the friends of longest standing had seen her through her New York anecdotes, and she had seen them through theirs.

Ilka said, "I've got this theory that refugees don't make discoveries. Discoverers get through discovering and retire home to Lisbon or London. It took me a decade to settle Manhattan and now I have to discover Concordance!" Ilka started to cry again and said, "Bet you there are no refugee discoverers."

"I have a theory," Ilka said to Jaquelin, "that there are no refugee discoverers. Did I tell you this already?"

"That's all right," said Jaquelin. "Go on."

Ilka practiced her theory on her friends, and on her circle of acquaintances, and on the circle that surrounded her acquaintances—the people one knew in New York—and the thing acquired shape and developed a skin: "It took a decade to find the right drawer to keep my spoons in and turn on the bathroom light without groping and now I'm supposed to emigrate to Concordance! I don't know anybody in Concordance!"

Everybody said, "Winterneet lives in Concordance," and Ilka always said, "He did them a lecture series the year of his Nobel Prize."

Ilka was astonished at the number of people she knew who knew people or knew people who knew people in Concordance, and they all wrote down names and numbers for Ilka to call. A man whose name Ilka had forgotten so often she could never again ask him what it was gave her the number of the woman he had dated in Ann Arbor, who would love Ilka, whom Ilka would love. "Tell her I told you to give her a call."

"You can't just give people calls!" said Ilka.

IT takes time to fit a key into other people's doors, particularly when the phone inside is ringing and ringing and ringing.

It was Professor Alpha Stone's secretary. Alpha welcomed Ilka to Concordance and said, "We'll have to have you over. As soon as the new semester settles in."

Personnel had found Ilka the little house of an assistant professor on a year's leave. Ilka picked up a scattering of letters behind the door: E. D. Rasmussen, Prof. E. Rasmussen, Ph.D., and a handwritten envelope for Mrs. E. Rasmussen from one R. Lipton in Madison, WI.

The Rasmussens' living room was upholstered in tweed, worn and orange. Ilka deduced young children. The stillness in the air suggested recent agitation, palpable absences like the absence of newly dead people. Ilka carried two bags up the stairs, opened

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Laugh and the World Laughs with You, but Not on the I.R.T.

• •

a door, and stood smelling the alien temperature of other people's bedrooms. She looked in their closet, and they were young people, strapped for money, collectors of checkered flannel bargain shirts in sharp sad colors. Ilka felt their hurry, their trying to fold themselves into the back and the corners, with the children asking too many questions, the children going berserk with intimations of a future in which they would be nobody's only business. The bed was covered with something too green that had the wrong kind of sheen. Ilka refrained from touching it.

Only one other room: one youth bed, a framed motto on the wall which said "God Loves Jill" in cross-stitch.

In the master bedroom Ilka took her shoes off, got her list of Concordance numbers and the Rasmussens' telephone, and lay down on the Rasmussens' bed. The green cover was glassy and colder than the human touch. There came a point in time when, without being aware of having made a decision in the matter, Ilka found she was dialling the number of the woman who had dated the man whose name Ilka was never able to remember, so she was relieved when they didn't answer. She dialled the number Leina Shapiro had given her. They didn't answer. She dialled Jaquelin Rosen's number and they didn't answer. Ilka felt snubbed. Ilka lay on the Rasmussens' slick green cover. She lay and lay.

TUESDAY, Ilka redialled her first number and a woman's pleasant voice said, "I think she moved to New York. I'm sorry." She *sounded* sorry —a gently brought-up voice that had always had its questions answered when it was young. "I could give you the number of someone I think would know her number in New York."

"Thanks," said Ilka. "I don't actually know her. A man I know in New York knew her in Ann Arbor and gave me her number. I've just moved to Concordance." Ilka meant, Why don't you have me over for a cup of coffee, but she said, "Thanks. Sorry."

Wednesday Ilka dialled the number Herbert had given her, and a child's voice, neither male nor female, said, "They're out. Whoa! Wait! This is them now. Hold it."

"Never mind," said Ilka and heard the child say, "Dad, this is a woman on the phone."

In the unseen room the unseen telephone changed hands. The dad's voice said, "Who?"

Ilka said, "I'm new, at the Foundation. My friend Herbert Meadmore said I should give you a call."

"Herbert *who*?"

"You don't know Herbert Meadmore? I think . . ." Ilka flushed. The number Herbert had told her to call was the number underneath the number she had dialled. If this was the number Jules had given her, she might be talking to the man whose brother-in-law played golf with the best friend of Winterneet's lawyer. Ilka said, "Do you know Jules McCartin?" But the man must have taken the receiver from his ear. Ilka heard him calling to someone out in a hallway or a foyer, or maybe a kitchen, "Do we know any Herbert? Charley, please take the bag from your mother, she has her hands full, as you can plainly see. Joanne, do we know a Herbert? There's a woman on the phone." The man's voice came back full strength and said, "What did you say his name was?"

Ilka said, "Jules McCartin. It doesn't matter. . . ."

"Hold on." The man shouted "MCCARTIN!" and the woman's tiny voice, distant and distinct, said, "*Into* the refrigerator, Charley, please, you are quite as capable as anybody else in this family of opening a refrigerator door. Get the bag out of the trunk, please, Charley, *close* the refrigerator door. Wasn't it Herbert Something, on our Hellenic cruise, that we went with to—what was that restaurant called on Samos, or was it Skiathos? Ask her if he went on a Hellenic cruise."

The man shouted "Why the hell don't you come and talk to her?" and the tiny voice shouted "Because I'm the hell putting the goddam ice cream in the goddam freezer."

Ilka said, "It doesn't matter." But the man in her ear said, "Did Herbert go on a Hellenic cruise that would be —Joanne?" He yelled, "Was that four years ago?"

Ilka said, "Herbert has never been to Greece. I don't know about Jules McCartin."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Now the woman had taken the receiver. "Do you know Mary Anne Popper? She was on our cruise."

"No, I don't," said Ilka. "What a lot of people there are that one doesn't know!"

"And that's a fact," said the woman.

THURSDAY, at the university, Ilka met with her first class of English for Foreigners. She said, "Good evening," put down her books, and made the mistake of catching the eye of a plump, freckled woman, front row, center seat, who never after let Ilka go. Ilka was aware of the pull of the orange-brown gaze from right underneath her as she addressed, lamely enough, the eight adult students: "We'll go around and introduce ourselves. Tell the class your name, please, and where you come from. I will begin. My name is Ilka, and I was born in Vienna."

"I am coming also from Vienna!" said the woman in the front row.

Ilka said, "I *come* from Vienna."

"I also!" said the freckled woman. "Which *Bezirk* you are coming from?"

"Which *district*," enunciated Ilka, "*do* you come from?"

"From Twenty-one," said the freckled woman.

Ilka said, "Please tell the class your name."

"Gerti Gruner," said the woman.

Class was over. Ilka tried to avoid the unremitting gaze from back of the students who had gathered around the teacher's desk, but Gerti Gruner walked out of the door beside Ilka and down the corridor to the elevator. She stood in front of Ilka and said, "When you have the hours in your office?"

"Oh," said Ilka, "I don't rate an office. I don't have hours," and she leaned a little back from the eyes looking into her eyes at too close a range. Ilka blinked, reopened her eyes, and Gerti Gruner was still looking into them. Ilka took a backward step; Gerti Gruner reëstablished the original range by taking a step forward and said, "You come to my house, isn't it? I cook a Vienna supper."

Ilka said, "Maybe some time when the semester has settled in."

Gerti Gruner came down in the elevator and walked out of the building with Ilka. Ilka stopped and said, "Well, goodbye."

"Which way you are going?" Gerti Gruner asked Ilka.

"Which way are *you* going?" Ilka asked Gerti Gruner.

"I am going that," said Gerti Gruner.

"Well," said Ilka. "I go this."

"I can go this also," said Gerti. Gerti Gruner walked beside Ilka with a tight, short-stepping walk. Ilka felt her bobbing along. They passed the Bernstines' house, and the Bernstines were sitting on their covered porch with Alpha and Alfred Stone. They saw Ilka and waved. Gerti and Ilka passed the Ayes' house, and they were sitting on their lawn with the Zees.

ON Friday, Ilka called the number Leina had given her, which had not answered the first time, and they didn't answer. Ilka lay on top of the Rasmussens' slick green cover. After a while she redialled the number Jaquelin had given her and was shocked when a woman's voice said, "Yes?"

Ilka said, "Could I speak to Norma?"

"Speaking."

"Oh. Hi! Jaquelin Rosen told me to give you a call."

"Oh? Yes? How is Jaquelin?"

"Jaquelin is fine. She told me to call you and say hello. I'm new in Concordance. And Jaquelin told me to give you a call."

"Well, isn't that nice of you!" said Norma. "Give Jaquelin my love when you see her."

"Jaquelin is in New York," said Ilka. "I'm a new assistant at the Foundation."

"Well, if you write to Jaquelin," said Norma, "give her my love."

"I sure will."

SATURDAY, Ilka called Leina's number, which had not answered the first or the second time, and they did not answer. So much for them.

Sunday Mary Zee called. Winterneet should be back from the Coast Tuesday and they might be having people over. Was Ilka free Tuesday?

Ilka's date book showed that Ilka was free Tuesday. She was free Wednesday. Thursday, Ilka waited by the elevators to go up to her class. All the elevators were going down to the basement cafeteria.

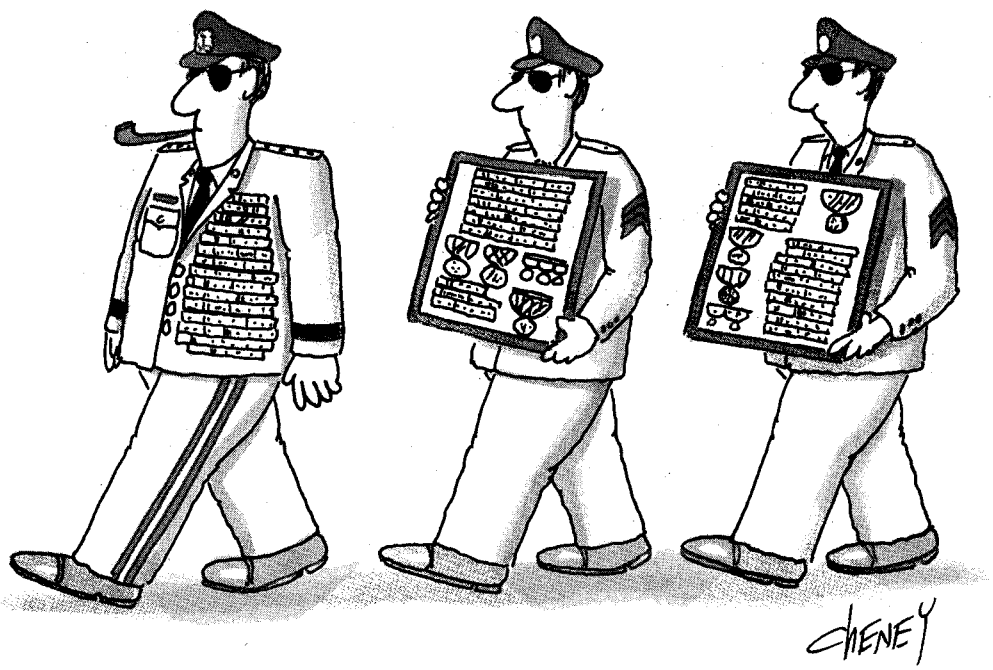
"That's Murphy!" said a woman whose grand woollen skirt Ilka had been admiring. The woman wore a witty jacket with a lot of zippers. She might have been in her late forties—maybe fifty—and had the emaciated sort of face that shows bone and promises mind. Her graying hair was generously piled. She met Ilka's smile with a lift of the left corner of her mouth.

Ilka said, "You know German?"

"I'm afraid French."

"German has a phrase: '*Die Tücke des Objekts*.' 'The spite of the inanimate object.' "

The woman laid her head back with



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a marvellous laugh. Both elevator doors opened and Ilka followed the interesting woman into the left one and said, "My name is Ilka. I teach English for Foreigners."

The woman said, "Yvette Gordot, math." Both women raised both corners of their lips.

ILKA looked up Yvette Gordot in the directory and wrote her—Ilka thought it was a charming note—telling her that she was new in Concordance, and asking her to have a cup of coffee in the cafeteria next Thursday.

Mary Zee called Friday. Winterneet had not returned from the Coast, but they were definitely wanting to have Ilka over and would give her a call.

There was no answering note from Yvette Gordot. Ilka was surprised.

Ilka dialled Leina's number once again and a man said, "Marty Friedman."

Ilka said, "Leina told me to give you a call. I'm new in Concordance."

The man said, "We must have you over. Let me put Sally on."

Sally Friedman said, "It's just my brother is coming in from Toronto Wednesday. It's not that I don't love the little boys, they're darling, eight, six, and two, but I just started a new job. . . ."

"I know what that is like!" said Ilka. "I'm new at the Foundation."

"I'll give you a call," said Sally Friedman. "What did you say your name was?"

THURSDAY, Gerti Gruner backed Ilka into the corner of the elevator and asked her when she was coming to Viennese supper at her house.

Ilka said, "You know what it's like, starting a new job."

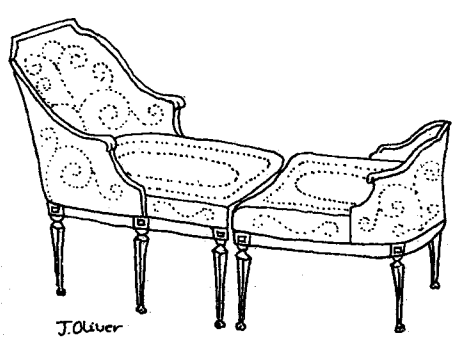
Gerti Gruner bobbed along the street beside Ilka. They passed the Bernstines'. The Bernstines' porch was dark. They passed the Ayes sitting on their lawn with the Zees, the Stones, and the Bernstines. They did not see Ilka. Gerti Gruner said, "You like with *Schlagobers*?"

JOE BERNSTINE called Ilka to invite her to a reception for the Shakesperes the following Sunday. He hoped Ilka was free.

Yvette Gordot did not, and seemed not to be going to, answer Ilka's note. Ilka puzzled and puzzled about it: a stupid cup of coffee! Why would one human *not* have one with another human being? Why would Yvette Gordot even go to the trouble of deciding to not have it? Had Ilka's note been too dreadfully charming?

THE next Thursday, Gerti Gruner looked Ilka in the eyes and asked her if she knew the Türkenschanz Park. Ilka took a backward step and said, "I don't remember that much about Vienna. I was only seven when we left." Gerti stepped a step closer and said, "In the Café Türkenschanz have I been every Sunday afternoon with my *Opa* and *Oma*."

They walked along the street. Gerti said, "Every Sunday there have always come to the Café Türkenschanz all the whole Vienna aunts, uncles, and my cousins Hedi and Albert."



Ilka said, "We used to go to the Café Josephstadt. Every table had a glass with rolled wafers that looked like a bunch of pencils."

"*Hohlhippen!*" said Gerti Gruner.

"Before we went home, they would count how many were left, and my father paid for the ones I'd eaten up."

Gerti said, "Every time when they have brought coffee, they have also brought a glass water and afterward counted the glasses. All the aunts and uncles always knew we were always all the Sunday afternoon at the Café Türkenschanz and they have come with the cousins and have sat and drunk coffee. In the evening have we ordered *Schnitzel*."

Ilka said, "And *Sacher Torte*. My father read the newspapers on bamboo sticks that they kept on a rack on a marble column. We always had the same table: here's where you came in" —Ilka drew the geography of the Café Josephstadt corner Josephstädterstrasse in the Eighth District in Vienna, on the night air of Concordance, Connecticut. "Here was the window.

MIDSUMMER

Late in the day, the sun-
Enamelled wavelets softening,
The heat dying slowly
Along the motel's beach-side

Redwood deck, and you step bare-
Armed and lipsticked out
Among the potted
Fuchsia's breakneck flowers

Sculling on the breeze,
And watch, a moment,
As the pelicans out beyond
The breakers tack up

Over the swells, then
Drop down, pick-
Axe hard,
Like a sudden outburst

In the quiet air. And I
Was reminded then of
The Roman poet Propertius'
Furious, flax-haired Cynthia

Driving down the Tiber
Behind her white,
Clipped cobs, the woman
In whom, as in some shadowy

Door, he'd found love's
Dark other left
Loitering, pungent-sweet,
Unbuttoned a little,

And slick with desire,
With eyes like black florets
At the center
Of a ruff. We stood

Eye-level with the white-
Wash as it lunged
And reddened up
The pebbled sand, earth-

Drawn, pined-for, all strain
And freshening, and, not
About to set things right
Or wrong, we held

Our peace, and before too long
It was twilight still
Winnowing the shore
Of our sure, small heat.

—SHEROD SANTOS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Here was the door where the waiters went in and out, here was the marble column with the rack of newspapers, and *here* is where we always sat."

Gerti said, "You come to my house. I make *Wiener Schnitzel*. I make *Sacher Torte*."

"I'll have the Blue Plate Special. The ball is now in your court."

• •

SUNDAY, Joe Bernstine walked Ilka and Martin Moses, a large young man whom Ilka had seen around the Foundation, out onto the covered porch to meet Leslie Shakespere. The new director had a fine head, and eyes so blue Ilka looked all the way through them to the sky behind his back. Having nothing particular to say to the young people before him, the new director said nothing, looked at each of them with interest, and shook hands. They passed back into the living room to allow other people to come out and be introduced.

Ilka and Martin Moses stood where they could watch the new director out on the porch, talking to a circle of people, surrounded by the circle of people waiting to talk to him. Martin Moses said, "I should have said something to him. I couldn't think of anything."

Ilka said, "You know those Egyptian sculptures that have one figure a different order of magnitude from the other figures? That's really realistic. Leslie Shakespere is larger than anybody at this party, and I bet he was only another skinny schoolboy. Joe Bernstine is quite a small person but he outweighs—"

"Me," said six-foot Martin Moses.

"The senior wives take up more room," Ilka said. Ilka and Martin Moses watched Mrs. Shakespere surrounded by a circle of junior people who from time to time exploded into laughter. Ilka had had nobody to listen to her theories since New York and she said, "I bet you Socrates is always the largest person at a party, but so is Rockefeller and Helen of Troy and the King of England. Which one is Winterneet?"

"Wouldn't know him if he bit me," said Martin Moses.

"As soon as we know which one he is *he'll* be the largest person. Which is Winterneet?" Ilka asked Joe Bernstine.

Joe said, "He couldn't make it. Very bad cold. I was on the phone with him this morning. He was upset. He's very fond of Leslie."

"How did they meet?" asked Ilka, but Joe had walked off to rescue a guest standing by herself: Yvette Gordot in her noble skirt and a beautiful silver sweater.

Martin Moses was saying, "Never been to a party yet where Winterneet has actually turned up. If you're free Friday, come to a shindig I'm throwing for a lot of graduate-student types. Winterneet is guaranteed not to show. Winterneet is not invited. I'm going out and say something to Leslie Shakespere." Martin Moses walked onto the porch, and Ilka went over to Yvette Gordot and said, "I'm Ilka."

Yvette Gordot said, "Yvette Gordot."

Ilka said, "We met at the elevators when they were all going to the basement."

Yvette Gordot said, "I'm going to get my department to do a study of the laws of improbability."

Now Jenny Bernstine cried, "Someone be brave! It would be a public

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

service to start the salmon. Yvette! Ilka! Somebody!"

People were moving in from the porch. Ilka saw the new director momentarily alone, slipped out, and said, "I have a theory," and told him about Egyptian sculpture. It seemed to take a long time.

The new director said, "I understand that you're teaching in the adult program at the university."

"English for Foreigners. I'm a foreigner. Have you memorized all of us already?" said Ilka and wanted to weep: once embarked on a route of self-conscious inanities there is no way back to good sense and propriety. If Ilka had met herself at this moment, at this party, she would have written herself off as an ass and walked away. The new director with the beautiful head and the English voice did not walk away and seemed not to be looking for some better opportunity over Ilka's shoulder. He regarded her attentively, without pretending to any exaggerated or peculiar interest. Ilka understood that she was talking to a patient man, who might choose to distinguish between an ass and a person showing off at a party. Ilka said, "Talking to you makes people nervous. I wonder—do *my* students feel like that talking to me?"

Leslie Shakespere's eyes opened ever so slightly; he could be seen to be thinking. He said, "Probably so." Ilka was relieved and sorry when Joe Bernstine came to fetch his guest of honor. "Leslie, we need you to circulate. We need you to come in and eat."

The new director said, "Well then, that's what I'll do." He looked behind him, saw nobody, and putting his hand not on but just in back of Ilka's back moved her through the door ahead of him: he was not leaving anybody alone on the empty porch.

"It is possible," Ilka said to Martin Moses at the buffet table, "that our new director is a nice man."

THE day after the reception, Alpha Stone called to invite Ilka for drinks Saturday. Sally Friedman called. Her brother and the little boys had gone back to Toronto. Was Ilka free Friday? Sylvia Aye invited Ilka for cocktails for the following Wednesday, and Thursday Gerti looked Ilka in the eyes and said she liked Ilka's blouse. Was it from Vienna?

Ilka said, "I was seven when I left Vienna."

Gerti Gruner said, "This pattern is reminding of the blouse of my *Tante* dead in Belsen."

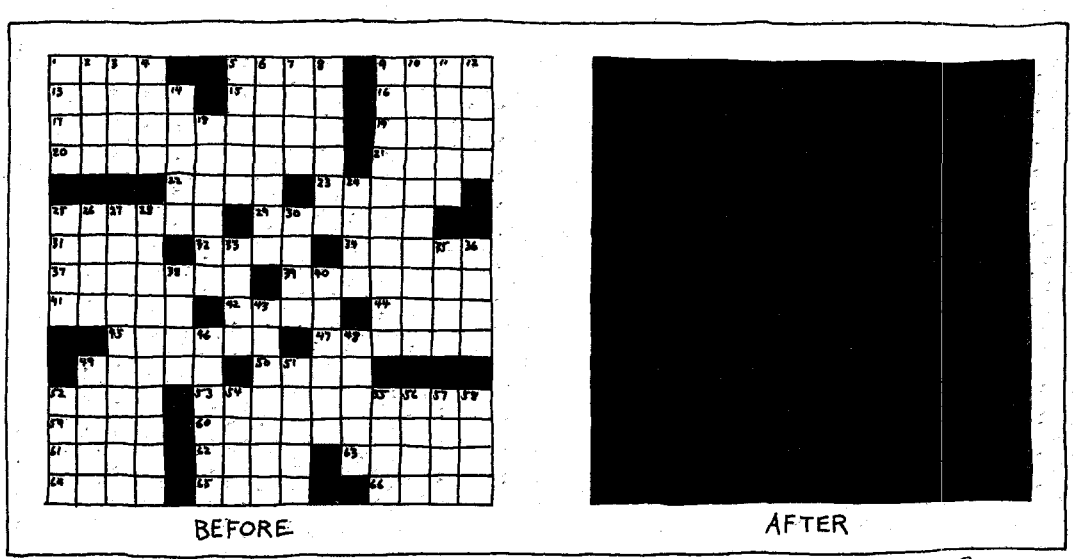
And so Ilka asked Gerti if she would like to have a cup of coffee in the cafeteria, but Gerti Gruner was gone. Ilka saw her back diminishing down the perspective of the corridor in pursuit of a man who stopped, turned, and turned out to be Professor Zee. Professor Zee's right leg and right shoulder remained set in the direction in which he had been, and would have liked to continue, going. He was leaning a little backward from what Gerti was saying to him, and what she was saying had a certain length and several parts. Ilka watched Gerti's head and plump back working with that slight agitation that accompanies the act of speaking. The elevator came, opened, and closed. Professor Zee's mouth opened. What he said was brief. Gerti's shoulders went back into action and when they ceased Professor Zee walked on. Gerti Gruner turned, increasing in size up the corridor toward Ilka. "I ask Professor Zee when he has the hour in his office."

The university cafeteria was a depressed area. There was a coffee automat and a sandwich automat. Ilka revolved the display of sad buns with their evil fillings and said, "Hope must certainly spring eternal. Every time I come down here I look for something wonderful to have materialized." But Gerti was gone. Ilka saw her backing Professor Yvette Gordot into the opposite wall. Gerti Gruner's shoulders went into conversation with Professor Yvette Gordot, who was looking directly at Ilka. Ilka could tell that Yvette Gordot did not recognize her.

"WINTERNEET is not invited. Pizza is in the kitchen," Martin Moses said as he welcomed each guest.

The rooms were small. There were too many people in the kitchen. Ilka's triangle of pizza behaved like Dali's watch, and kept folding away from her mouth. Ilka carried her glass of wine into the other room. Martin Moses was sitting on a mattress on the floor with an attractive lot of younger people leaning their backs against the wall. He budged everybody over to make room for Ilka. He had a gallon bottle of white wine on his lap and topped off Ilka's glass. The young people were high and tended to hilarity. The mattress was covered with a lightweight cotton throw that had an Indian pattern and tended to bunch. Ilka kept thinking that she had to smooth it back over the exposed black-and-white ticking. The mattress inched away from the wall. Everybody got up to push it back, and that was when Ilka saw Gerti Gruner in the doorway. Gerti was staring at Ilka. Ilka asked Martin Moses to change places with her and sat down with her back to Gerti.

Martin Moses asked, "Why is Gerti Gruner staring daggers at you?"



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Because she keeps inviting me to supper at her house and I'm never available and here I am at your party at your house. That's horrible, isn't it —talking about her right behind her back?"

"Behind your back, actually," said Martin Moses.

Ilka said, "I have a theory that Gerti Gruner used to be a plump, pretty Viennese girl with one of those delicious chins, so she thinks when she wants something she is going to get it, and what she wants is me."

"Aha?" said Martin Moses.

"To be Viennese cousins with her. That's sad, actually," said Ilka, "because I happen to be in possession of a piece of information not available to Gerti Gruner: Gerti Gruner can't have me. Is she still standing at the door?"

"Still staring daggers," reported Martin Moses.

"There's a Viennese expression: '*Nicht mit der Hacken zu derschlagen.*' Something like 'With an axe you couldn't do her in.' I have *several* theories about Gerti Gruner," said Ilka, and all the time she was wishing that she were not saying these things to Martin Moses, whom she hardly knew. She kept hoping—she kept meaning—to stop; nevertheless she kept right on, and Martin Moses kept filling up her glass from his bottle. "One," said Ilka, "Gerti Gruner is missing that human component that tells one person that she is being a pest to another person, or, two, Gerti Gruner knows she is being a pest and doesn't mind it. I actually think there's something ever so slightly the matter with Gerti Gruner. Gerti Gruner looks one right in the eyes which is not something normal people do to each other."

"Sure they do," said Martin Moses.

"Look into my eyes," said Ilka. "Not into my *face*, not *at* my eyes, *in* my *eyes*." Martin looked Ilka in the eyes, blinked, and looked away. Ilka said, "We *think* we look into each other's eyes because the language says we do, but the language is wrong."

"People we love we look in the eyes," Martin said.

"We do not. Particularly people we make love with, particularly when we are making love with them. That's when we *close* our eyes. I think I better go home."

But in the front door stood Gerti Gruner barring Ilka's exit. Ilka squealed, "Oh! Hel*lo!* So! How are *you*?"

"You come tomorrow to supper in my house," said Gerti Gruner, "isn't it?"

"I can't, tomorrow," said Ilka, fishing busily in her handbag for her date book. Ilka's date book confirmed that tomorrow Ilka was having drinks with the Stones.

"Sunday," said Gerti.

Sunday Ilka was having dinner with the Zees. Ilka's date book showed next week to be quite filled up. This astonished Ilka, who continued to feel that her week was perfectly empty. These several engagements did not properly count, because if the Foundation hadn't happened to have hired a new director the Bernstines would not have given him a reception, and Alpha Stone would not have seen Ilka at it and remembered that they had been meaning to have her over and could not have introduced her to Sylvia Aye, and so this didn't, any of it, prove anything. What if Ilka hadn't happened to have got talking with Martin Moses? She wouldn't have so much as *known* he was having a shindig. And if she hadn't tried the Friedmans a fourth time they wouldn't have so much as known of Ilka's existence, and there would have been nobody all week except Gerti Gruner on Thursday.

Ilka looked up. There was Gerti Gruner, looking daggers not, as a matter of fact, into Ilka's eyes at all: Gerti Gruner's eyes met not Ilka's eyes but each other's line of vision, where they focussed at a point just in front of the bridge of Ilka's nose. "I make *Wiener Schnitzel*, I make *Sacher Torte*. I make *Schlagobers*," said Gerti Gruner, who knew, as everybody always knows, and minded, as everybody minds, that she was being a pest. It was something she had learned to live with. What Gerti Gruner could not learn was how to survive in an absence of cousins.

—LORE SEGAL

"You keep insisting that this isn't happening, Edwards, but in my opinion you're mistaken. I really believe myself to be firing you."

• •

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ANNALS OF LAW

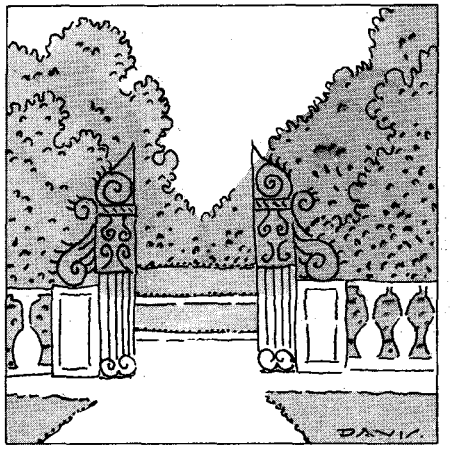
THE TENTH JUSTICE—II

THE official Meese era for the post of Solicitor General of the United States began during the summer of 1985, soon after Edwin Meese became Attorney General, when the government filed, through the Acting Solicitor General, an extraordinary brief in the Supreme Court. The Solicitor General (or S.G.) is sometimes called the Tenth Justice, because of his special relationship to the Supreme Court, and the brief was a widely noted departure for him. The subject was a pair of cases from Illinois and Pennsylvania, called Diamond v. Charles and Thornburgh v. American College of Obstetricians and Gynecologists, that dealt with the constitutionality of state laws regulating abortion, and the United States filed its brief as amicus curiae, or friend of the court. "In America, we face the difficult question of abortion," Attorney General Meese told an audience of lawyers about the brief at the annual convention of the American Bar Association in London. "It is a question made more difficult by the entry of the federal judiciary into an area once clearly reserved, under our Constitution, for the states themselves to decide. We know there are fervently held opposing views about abortions. It is our responsibility and practical task to dedicate ourselves to the principles and purposes of our Constitution, particularly in areas of great controversy. This week, the United States filed as an amicus in the Supreme Court a brief arguing that the Court should return the law to the condition in which it was before the 1973 case, Roe v. Wade, was decided."

Over the dozen years since the Supreme Court, in Roe v. Wade, had struck down anti-abortion laws in forty-six states and had ruled, by a seven-to-two vote, that women have a constitutional right to abortion, the decision had troubled even constitutional scholars who agreed with the result. According to John Hart Ely, the former dean of Stanford Law School, who was regularly cited as a legal authority by the Reagan Administration, "Roe v. Wade was the clearest example of noninterpretivist 'reasoning' on the part of the Court in four decades." Interpretivists, Ely wrote, hold that "judges deciding constitutional issues should confine themselves to enforcing norms that are stated or clearly implicit in the written Constitution," while noninterpretivists contend that "courts should go beyond that set of references and enforce norms that cannot be discovered within the four corners of the document."

Writing for the majority in Roe v. Wade, Justice Harry Blackmun grounded the right to abortion in the due-process clause of the Fourteenth Amendment and the right to privacy as it had been defined by the Supreme Court in a series of cases beginning in the late nineteenth century—cases in which the Justices affirmed the right of individuals to decide whether and when to marry, whether to conceive and bear children, how to raise and educate them, and how much to disclose of their personal lives. Blackmun's critics, interpretivists and noninterpretivists alike, disagreed with his legal reasoning. The Constitution didn't "clearly reserve" the regulation of abortion to the states, as Meese claimed, but, as Ely put it, nothing in the Constitution marked the freedom to have an abortion as a special value. "A neutral and durable principle may be a thing of beauty and a joy forever," Ely wrote. "But if it lacks connection with any value the Constitution marks as special it is not a constitutional principle and the Court has no business imposing it."

The 1985 abortion cases that Meese was describing raised a legal dilemma: Should the Court perpetuate a widely proclaimed constitutional right whose source was in dispute, or should it remove from the books a troublesome holding and wipe the slate clean? To Meese, the proper solution to this problem lay in the dramatic step of simply revoking the constitutional right to abortion. In making his proposal, Meese put aside an opinion written only two years before, by Justice Lewis Powell, in a decision in what was known as the Akron case, that affirmed Roe v. Wade. As the Supreme Court's main promoter of traditional judicial restraint, Justice Powell had noted that stare decisis—abiding by precedent—"is a doctrine that demands respect in a society governed by the rule of law."



Ely recently explained what Meese was overlooking when he called for the Court to reverse its landmark decision on abortion: "It's been almost a decade and a half since Roe v. Wade was decided, and it isn't sitting out there all by itself. The Justices have built a number of decisions on it, and the holding is now part of an elaborate system of legal doctrine. It's part of the law. I haven't changed my mind about the merits of the original judgment, and if the whole subject could come up fresh I'd still be against the Court's ruling as it did. But in this case that's no longer possible. If I were on the Court, I'd feel bound to uphold the decision." In 1985, Meese had proposed a "jurisprudence of original intention," based on the idea that the meaning of the Constitution was essentially frozen in time. Now he appeared to think that rulings like Roe v. Wade marked legal moments that could be judged right or wrong no matter how long afterward, as if nothing in the interim counted for the law.

The abortion brief drew special notice from lawyers, partly because it was the first brief ever in which the Solicitor General had asked the Supreme Court to decide that a right the Justices had previously found in the Constitution was not there. But, important as this was, it paled in significance next to a disclosure that the brief made concerning the Reagan Administration's view of the law. The Attorney General's statements about the right to abortion were the first of several in which he indicated the most radical belief that he and other Reagan officials seemed to hold: that their judgments about the law were as authoritative as those of the two other branches of government, if not more so. The Administration's elevation of the executive branch's judgments about the law to a status at least equal to that of the two other branches has since been dramatically expressed in its

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

violation of law in the Iran-Contra affair, but the initial manifestation of this change, in the 1985 brief, also explained a significant change that the Administration was in the process of making in the traditional role of the Solicitor General—a role that had been spelled out eight years earlier in an unpublicized Justice Department document.

To the Justice Department in 1977, the major safeguard against errors by an independent Solicitor General was the Supreme Court. If the S.G. made a mistake, the Court could correct him. If the Justices upheld him, "then all the better, for his legal judgment and not that of his superiors was correct." But if the Administration did not grant the Supreme Court this authority, as Edwin Meese was making clear in his speeches about constitutional law, then the S.G.'s dual responsibility to the Court and to the executive branch lost its point. There was no need for the Solicitor to defer to the Court if its opinions did not say what the law was any more definitively than the judgments of the executive branch did, and the S.G. might as well carry to the Justices the policies of the Administration, even where they conflicted with the law as previously expounded by the Court. In the abortion case, Acting Solicitor General Charles Fried served notice that this was what he intended to do.

"Thus ends another evening of dancing on the edge of the volcano."

• •

Born Karel Fried in Prague, he fled with his family from the Nazis in 1939 and settled in Manhattan when he was almost six. He once wrote that he "loves his country as a lover would, not as a child loves the parents he never chose." Fried is tall and sharp-nosed, with deep lines etched in his forehead and a pliant mouth that stretches from a tight line, when he is watchful, to a broad grin. Like Paul Bator, whom he replaced in the winter of 1985 as the political deputy in the S.G.'s office, Fried had been a professor at Harvard Law School before joining the Reagan Administration. (Fried was political deputy for just four months.) In fact, before the Administration brought Bator in, two years earlier, officials in the Justice Department had got in touch with Fried about the job, but Fried had declined the overture and recommended his old friend and colleague as an expert in constitutional law. As a scholar in the philosophy of law and a teacher of subjects like contracts and torts, in which judge-made rules are the heart of the law, and the Constitution is not often central, Fried explained, he had no special knowledge about the business of the Solicitor General. Though he also taught criminal law, where the Constitution can figure prominently, he had no background in litigation or federal courts. But having been a member of Scholars and Educators for Reagan in 1980, co-chairman of Law Professors for Reagan-Bush in 1984, and, in 1984 and 1985, a consultant to Meese, Fried was eager to find a place in the Administration, and he eventually accepted one in the S.G.'s office.

Fried had earlier shown sympathy for the Reagan agenda by writing occasional op-ed and magazine pieces with titles like "Curbing the Judiciary," "Questioning Quotas," and "The Trouble with Lawyers." The hallmark of a Fried piece was an argument rocketing along on the strength of its own self-evident truth: "The problem with lawyers, critics say, is the maldistribution of legal services," because "only big business and the very rich benefit from the legal system," but "this is nonsense," because "the rich and the big corporations are more victims than beneficiaries of the legal system." The law firms that serve the big corporations charge high fees, and the work done for a company by a firm can be handled more efficiently and just as well by in-house counsel; as for the middle class, it "gets quite enough legal services;" and "the poor need other things far more urgently than they need lawyers."

"Many conservatives who see a bad or obnoxious or ugly practice in society have a recognition of grim reality for what it is," Robert Gordon, who is a professor at Stanford Law School, told the *National Law Journal*. "Charles is perversely determined to defend some of the obnoxious social practices as not only being tragically unavoidable but as somehow morally compelled."

Fried's writing grew out of his background in the philosophy of law, and the core of his work was a series of books about legal principles—"An Anatomy of Values," "Right and Wrong," and "Contract as Promise"—amounting to a grand declaration that absolute commands of right and wrong should take precedence over the dictates of utilitarianism; that is, doing the greatest good for the greatest

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"All we know is that he seems to winter in Cuba."

• •

number of people. From his early law-journal articles to his more widely known book about right and wrong, Fried offered a spirited case for the autonomy of the individual. He made no great mark in the world of law or philosophy, but his work was respectfully reviewed by major journals.

Fried had begun to express his belief in individual autonomy as early as the year he graduated from Columbia Law School (he already held degrees from Princeton and Oxford), when he clerked for Justice John Harlan. During the 1960 term, the Supreme Court decided Poe v. Ullman, a case in which the majority chose not to rule on the merits of a challenge to a Connecticut statute proscribing birth control. Harlan dissented, and Fried worked with the Justice on his opinion. Harlan wrote, "I believe that a statute making it a criminal offense for *married couples* to use contraceptives is an intolerable and unjustifiable invasion of privacy in the conduct of the most intimate concerns of an individual's personal life." Relying on the due-process clause of the Fourteenth Amendment, as Justice Blackmun would a dozen years later, in Roe v. Wade, Harlan went on, "Due process has not been reduced to any formula; its content cannot be determined by reference to any code. The best that can be said is that through the course of this Court's decisions it has represented the balance which our Nation, built upon postulates of respect for the liberty of the individual, has struck between that liberty and the demands of organized society."

The value of privacy that Fried favored as a law clerk to Harlan and as a young scholar was embraced by the Supreme Court in its decision about abortion, and, among his Harvard colleagues, Fried applauded the landmark opinion in Roe v. Wade and defended it from attack by others then on the faculty, including John Hart Ely. To Fried's good fortune as a prospect for political appointment in the Reagan Administration, he did not emphasize his support for the decision in print. One of his law-school colleagues said, "Right before he went to Washington, we were together and someone asked him flat out, 'Does the Administration know your position on abortion?' He smiled, and said, 'Well, I've never written it down.' "

Not long after Fried filed the abortion brief as Acting S.G., he said, "My passion is philosophy. Everything else is an excursion." He remarked of himself, "I think a person who has lived life as a practicing lawyer is somehow restricted in what he sees in the law—that someone who has a larger, subtler view, as I inevitably do from my training, sees more issues." Fried's commitment to his brand of philosophy explained why his approach to the Solicitor Generalship fitted the legal view of the Reagan Administration. A friend of his, Philip Heymann, who is a professor at Harvard Law School, was the head of the Criminal Division of the Justice Department during the Carter Administration, and served as an assistant to the S.G. during the Kennedy Administration, recently noted the con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The life of this down comforter is measured in generations, not in years.

When a classic design like our Karo Step Down Comforter is combined with our European goose and duck down and our 100% cambric cotton shell, its beauty is timeless.

Our seamstresses craft all our down comforters of the finest fabrics and down fill using 30,000 hand guided stitches. Their exacting standards and personal commitment to excellence result in a down comforter that will last for generations — for you, your children, and their children to enjoy.

The Company Store guarantees your satisfaction or we'll replace the item, or refund your money, no questions asked. We pay the return UPS, too.

To order our classic Karo Step or a **FREE CATALOG** of other down comforters, natural fiber bedding and accessories, call us at: **1-800-356-9367, Ext. 93J.** Call 24 hours a day, 7 days a week or use our coupon.

The Company Store®

Karo Step Down Comforter Style #C177

	Dimension	Downfill	Value	Our Price
☐Twin	60" x 86"	30 oz.	$225	**$130**
☐Queen/Full	86" x 86"	44 oz.	$300	**$170**
☐King	102" x 86"	50 oz.	$360	**$210**
☐Calif. King	102" x 96"	56 oz.	$400	**$250**

Colors: ☐Mint ☐Lt.Blue ☐White
☐Peach ☐Dusty Rose ☐Champagne

Name _____
Address _____
City/State/Zip _____
Daytime Phone _____

Send to: The Company Store, Dept. 93J, 500 Company Store Road, La Crosse, WI 54601.

To order or to request a free catalog call toll free
☎ **1-800-356-9367, Ext. 93J.** Or order by mail.

☐**SEND FREE CATALOG** featuring 30 Down Comforter Styles, Down Pillows, Down Outerwear and 100% Merino Wool Products.

FAST DELIVERY. We ship within 24-48 hours.
We accept: ☐MC ☐Visa ☐AE ☐DC ☐Check
Acct.# _____ Exp. Date _____
QTY. _____ x Price $ _____ =$_____
Delivery in MN-6% Tax, IL-5% Tax =$_____
Shipping, Handling and Insurance-$5.00 each =$_____
*Federal Express Service =$_____
TOTAL =$_____
For delivery in WI-5% Tax =$_____
Total for delivery in WI =$_____
*☐We ship UPS ground service unless you request otherwise. Federal Express Service, add $8.50.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

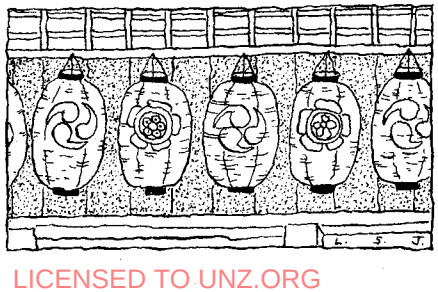
nection. He observed, "When you get to the Reagan Administration, you find that the Solicitor General is in a different position. It is basically the view of this Administration that courts, including the Supreme Court, have misbehaved, making law where they should not and doing social justice instead of law. The Administration regards it as an important responsibility of the Department of Justice to straighten out the courts, both through judicial appointments and through declarations in briefs that they should stop what they've been doing. Charles Fried believes this, and he thinks that he does not have an obligation to the courts as much as to the law. He substitutes for a concern about the law as it is shaped by the courts a broad philosophical view: the law, whether in the Constitution or in statutes, is there to be interpreted by the Solicitor General; the law is not necessarily what the Supreme Court says it is. In fact, in his view courts regularly ignore the law or make it into something it isn't."

Fried's usual response when he was asked about the Reagan Administration's abortion brief after it became a legal event was "You won't get a whisper of my views on abortion in that document. It's about the law." Roe v. Wade should be overturned, Fried argued, because the decisions of the lower courts in the cases at hand had failed to balance the interests recognized in Roe v. Wade ("the state's interest in maternal health and in unborn and future life" as opposed to "a woman's unfettered right to an abortion"). The Court's previous judgment about abortion, in the Akron case, had "expressed considerable impatience" with attempts by state legislatures to strike the proper balance. "To the extent this is so, these cases and Akron itself are not just wrong turns on a generally propitious journey but indications of an erroneous point of departure," Fried argued. "Indeed, the textual, doctrinal, and historical basis for Roe v. Wade is so far flawed and, as these cases illustrate, is a source of such instability in the law that this Court should reconsider that decision and . . . abandon it."

The strongest language in the Acting Solicitor General's brief was directed at the courts below. "The courts of appeals betrayed unabashed hostility to state regulation of abortion and ill-disguised suspicion of state legislators' motives," it read. Where the Court of Appeals for the Third Circuit, in Pennsylvania, found obstacles to abortion in the state legislature's regulations, the Acting Solictor General found law that was constitutional. For example, the appeals court struck down requirements that a pregnant minor be obliged to persuade a state judge she was mature enough to give her informed consent for an abortion, and that a woman's consent to an abortion be considered informed only if her doctor had told her in detail about the medical risks of the procedure, but Charles Fried argued that these requirements were valid.

The last section of the government's brief made a general argument. The analysis in Roe v. Wade had "no moorings in the text of our Constitution or in familiar constitutional doctrine," the brief said, and it gave courts scant guidance for ruling on the lawfulness of statutes. "The result has been a set of judicially crafted rules that has become increasingly more intricate and complex, taking courts further away from what they do best and into the realm of what legislatures do best." It went on, "It is true, of course, that words, and certainly the words of general constitutional provisions, do not interpret themselves. That being said, the further afield interpretation travels from its point of departure in the text, the greater the danger that constitutional adjudication will be like a picnic to which the framers bring the words and the judges the meaning." In Roe v. Wade, the Justices had brought along the conviction that "free access to abortion is a fundamental expression of individual freedom, and that such freedom is the first principle of a just society," but the conviction did "not constitute constitutional argument."

On one level, Fried's brief presented an urbane version of a standard criticism of Roe v. Wade. Though he said that his brief presented "a fresh constitutional methodology," it did little more than summarize the twelve-year-old view that the Constitution includes no explicit right to an abortion and therefore the Supreme Court was wrong to find one in its provisions.

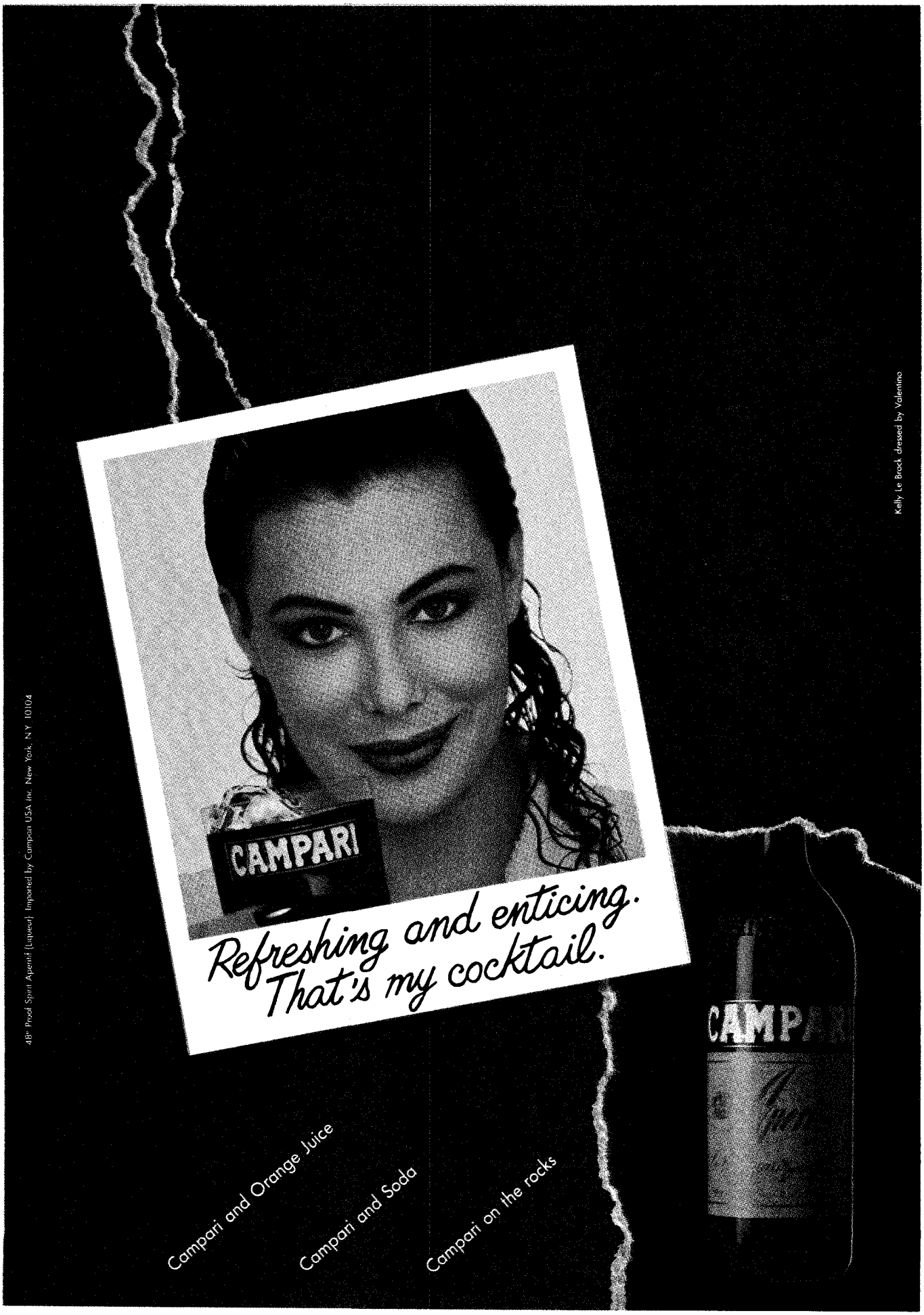


On another level, it was a bold misrepresentation of the facts and the law before the Supreme Court. "The courts of appeals betrayed unabashed hostility to state regulation of abortion and ill-disguised suspicion of state legislators' motives," the brief declared. But in the Pennsylvania case, it turned out, the Court of Appeals had struck down parts of only six of the twenty sections in a twenty-four-page statute that was described by State Representative Stephen Freind, its chief sponsor, as "the most comprehensive abortion-control act in the United States, and the most publicized bill in Pennsylvania history." Fried's brief did not say so, but most of the statute's provisions were left intact. They were as significant to the law as the sections struck down. The lower court's ruling hardly amounted to "unabashed hostility."

As for the court's "ill-disguised suspicion," the history of the law indicated why the suspicion was justified. In 1981, the Pennsylvania Legislature passed a bill designed to limit abortions that was based on a model statute written by an anti-abortion group in Chicago. Governor Dick Thornburgh vetoed the bill. In 1982, the legislature revised the bill to satisfy the Governor and passed it again. "Was my bill intended to discourage abortion?" Representative Freind asked rhetorically in an interview. "You use the word you want. It certainly counsels extreme caution to women and, by forcing them to understand what abortion is, tries to get them to think twice before going ahead with an abortion. I won't mince words: our goal is definitely to outlaw abortion." The facts showed that instead of supporting the view that Roe v. Wade and its progeny had been interpreted by state legislatures to require "free access to abortion," as the Acting S.G.'s brief contended, legislatures like Pennsylvania's were testing to see how strongly their laws could discourage women from having abortions and still pass muster with the Supreme Court.

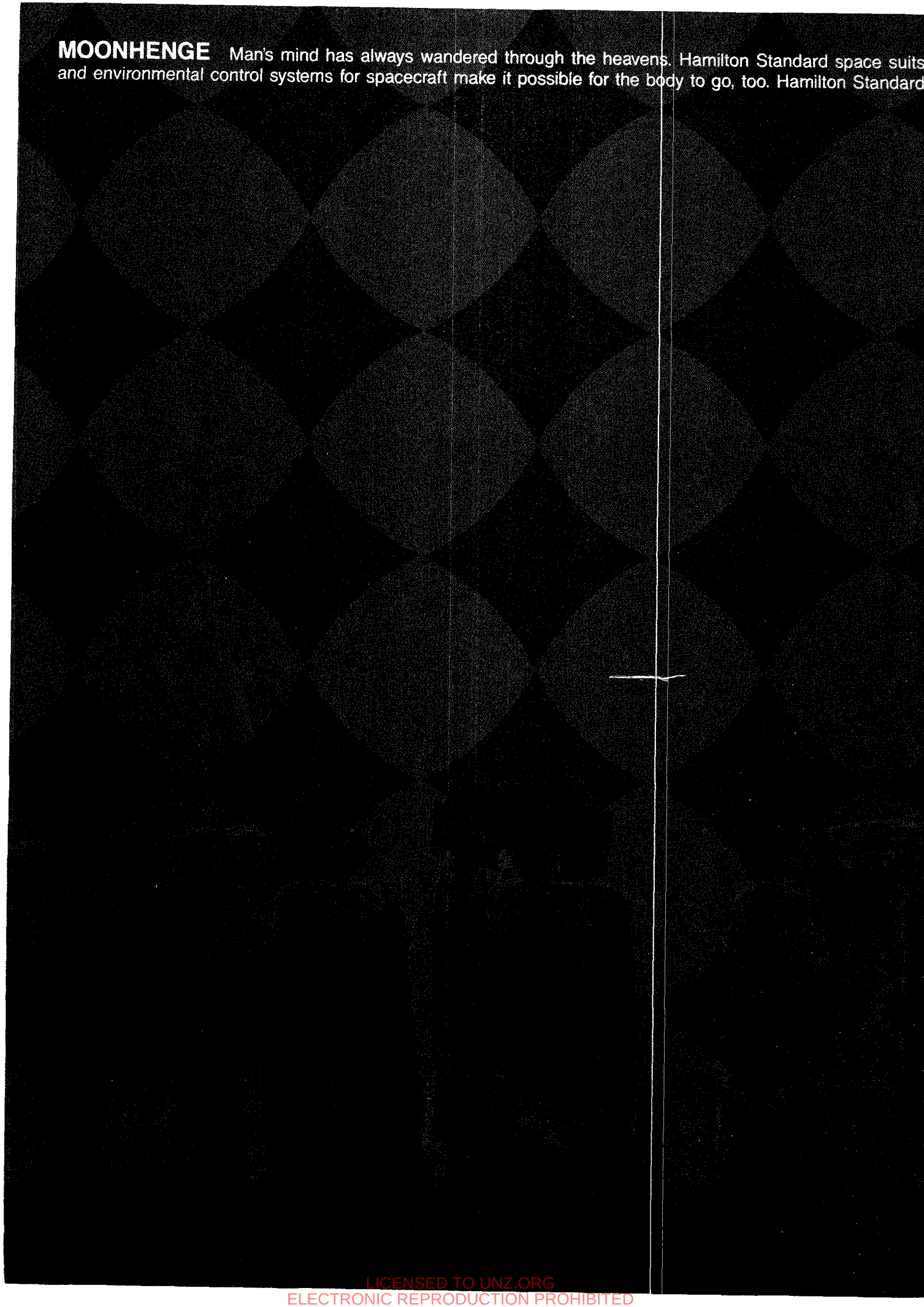
Instead of presenting a measured view of a vexing question of fact and law, Charles Fried submitted a piece of advocacy that was marked by taunting phrases (like his comparison of constitutional adjudication to a picnic) and irrelevant asides (a comment on the meaning of the establishment clause, for example) that made most sense as tips of the hat to Attorney General Meese and his ideological circle. In the estimate of some longtime

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


CAMPARI
Refreshing and enticing.
That's my cocktail.
Kelly Le Brock dressed by Valentino
48° Proof Spirit Aperitif (Liqueur) Imported by Campari USA inc. New York, N.Y. 10104
Campari and Orange Juice
Campari and Soda
Campari on the rocks
CAMPARI. THE SPIRIT OF ITALY.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

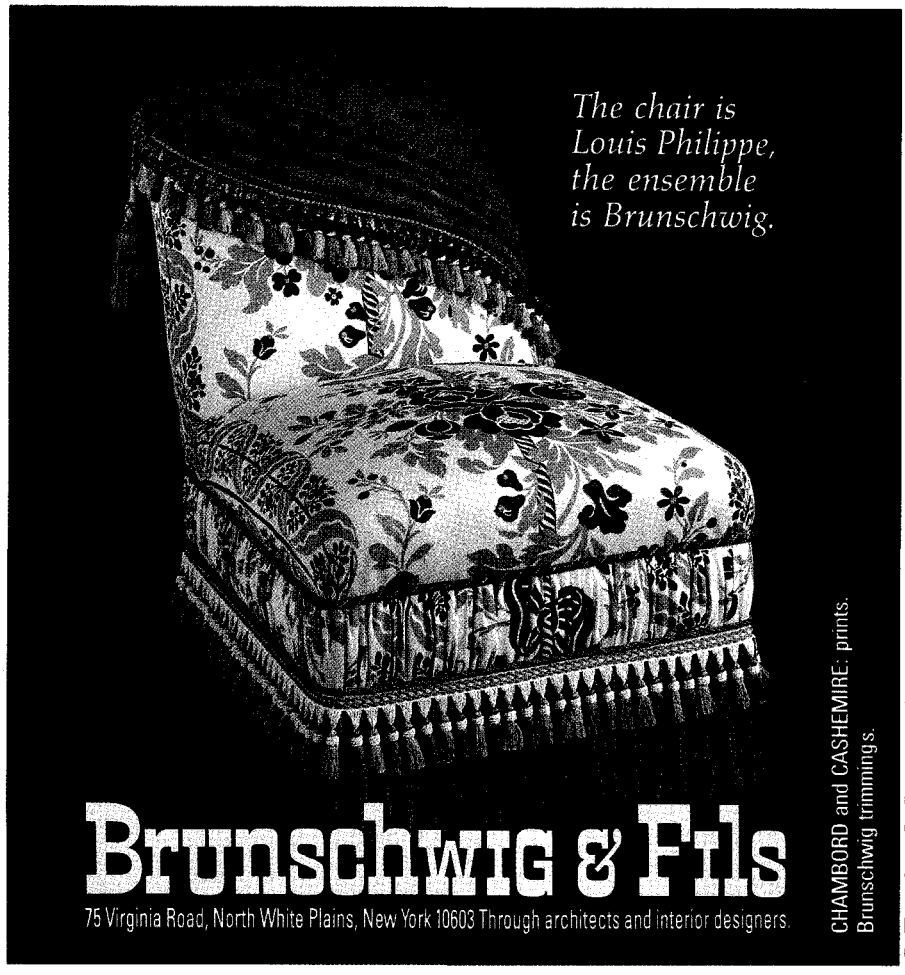
MOONHENGE Man's mind has always wandered through the heavens. Hamilton Standard space suits and environmental control systems for spacecraft make it possible for the body to go, too. Hamilton Standard

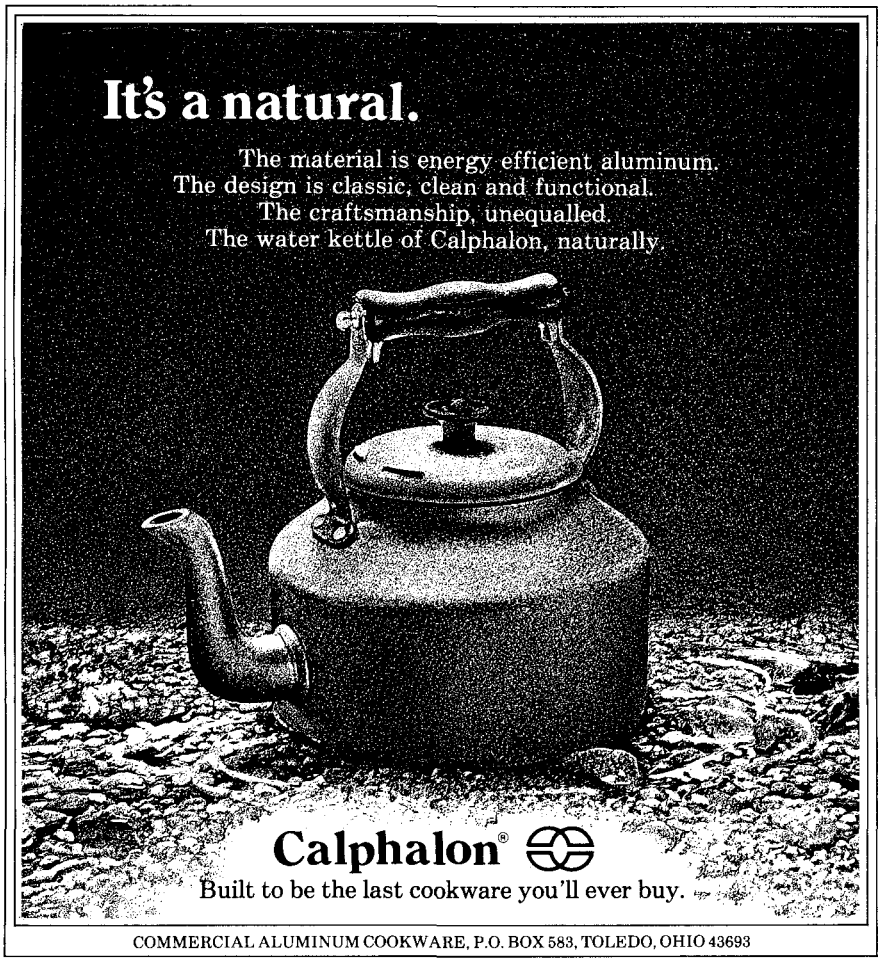


LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is part of United Technologies. We also make Sikorsky helicopters, Pratt & Whitney jet engines and Norden radar systems. A company with both feet planted firmly in space. United Technologies, Hartford, CT 06101.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


The chair is
Louis Philippe,
the ensemble
is Brunschwig.
Brunschwig & Fils
75 Virginia Road, North White Plains, New York 10603 Through architects and interior designers.
CHAMBORD and CASHEMIRE: prints.
Brunschwig trimmings.


It's a natural.
The material is energy efficient aluminum.
The design is classic, clean and functional.
The craftsmanship, unequalled.
The water kettle of Calphalon, naturally.
Calphalon®
Built to be the last cookware you'll ever buy.

COMMERCIAL ALUMINUM COOKWARE, P.O. BOX 583, TOLEDO, OHIO 43693

observers of the S.G.'s office, Fried's brief was more strident than any ever previously submitted by a Solicitor General.

Among many amicus briefs filed on the other side from the government's in the Thornburgh and Diamond cases, the best publicized was by Senator Bob Packwood, Republican of Oregon; Representative Don Edwards, Democrat of California; and seventy-nine other Republicans and Democrats, from both houses of Congress. It was written by four professors at Harvard Law School: Susan Estrich, Martha Minow, and Kathleen Sullivan, with Laurence Tribe as lead counsel. Tribe is the author of a widely used treatise on constitutional law, and through the 1986 term he had argued fourteen cases before the Supreme Court—a notable accomplishment for any lawyer who is not in the S.G.'s office.

At a press conference sponsored by Planned Parenthood in September of 1985, on the day the brief was filed, Tribe talked about the submission. "The basic proposition" of his own brief, Tribe said, was that "the government's plea that the Supreme Court overturn Roe v. Wade is unprincipled, is divisive, and is dangerous." The Tribe brief stated, "For the first time in the history of the Solicitor General's office, in a case in which the United States is not even a party, and a case in which the issue was not presented by the parties, the Department of Justice has urged the repudiation of a liberty long since declared fundamental by this Court." The government had claimed that it wanted "to turn back the constitutional clock to 1973," Tribe's brief went on, but it really called for turning back the clock "at least another half century" and repudiating "a long line of decisions about personal and family privacy which cannot be distinguished, in principle, from Roe v. Wade."

In a draft of a speech that Rex Lee, the Reagan Administration's first Solicitor, planned to give once he was out of office, and which was written before his successor filed the government's abortion brief, Lee observed:

"Let me give you the practical reasons why I don't think the Solicitor General can or should take it upon himself to tell the Supreme Court what he may very well believe are its errors of constitutional doctrine.

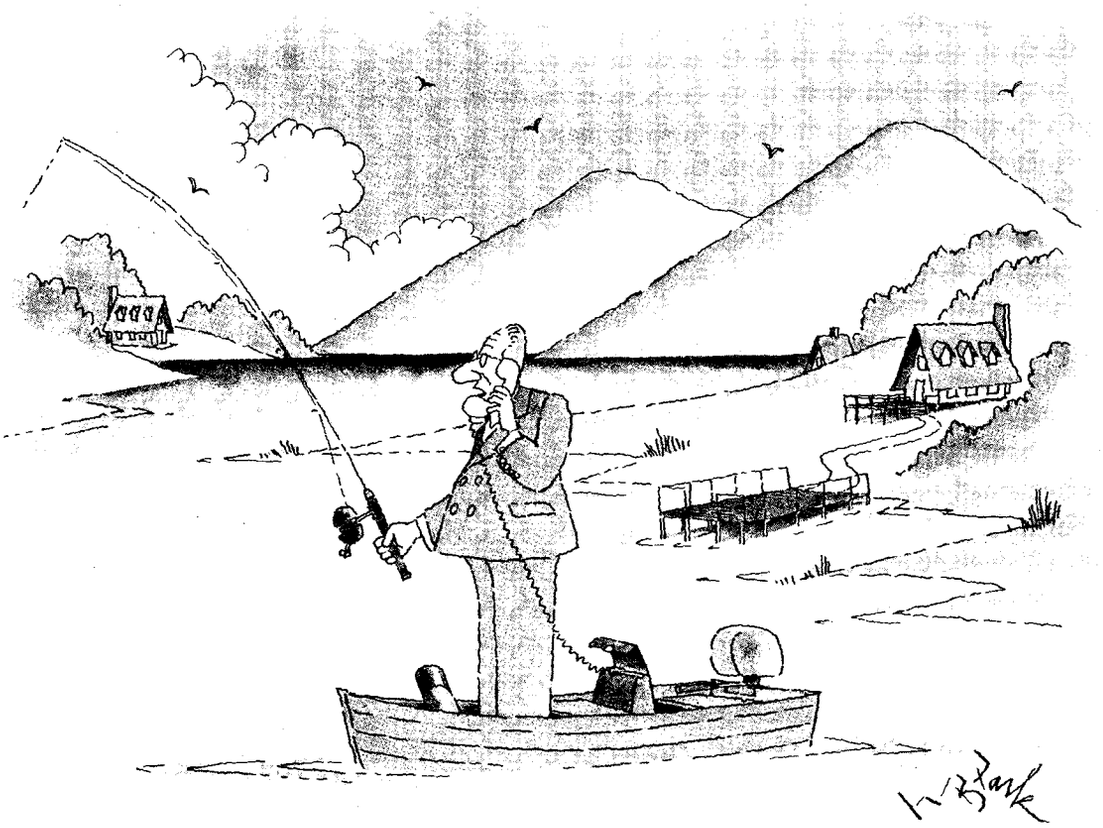
"The Solicitor General, unlike his critics, cannot afford to lose sight of the fact that he is a lawyer, an *advocate*,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

whose first duty is to see that his client, the federal government, prevails in the case at hand. There is, I admit, a place for announcement of pure principle, and from time to time that place is in a Supreme Court brief. But a Solicitor General is a *Solicitor* General, not a 'Pamphleteer General,' and his role is to persuade the Court by legal arguments to decide cases in the way [that] best serves his client, the people of the United States. His audience is not 100 million people; his audience is nine people, or more specifically, nine Justices, all of them sophisticated, capable lawyers who are not about to be influenced by lectures or slogans. You just don't win cases that way.

"The law, especially constitutional law, is made incrementally, on a case-by-case basis. No lawyer worth his salt would think of going before the Supreme Court, or any appellate tribunal, and telling its members point blank that they were wrong on some case they decided just several years before, even if the lawyer strongly believes they were. That approach would simply not be in his client's best interest, and the reason is obvious: the Court as an institution would find it offensive. In a close case—as so many of the cases are in the Supreme Court—the lawyer's impertinence might well cost the client the one or two votes needed to win. It would therefore be both a tactical mistake and a professional violation of the lawyer's ethical duty to advance his client's cause. But more than that, it would deeply injure the Solicitor General's personal credibility with the Court, without which the government would cease to enjoy its remarkable success both in getting the Court to review its cases and in winning its cases on the merits.

"And so my practical argument against those who would have the Solicitor General rail against the perceived excesses and errors of the Supreme Court is simply that it would be bad lawyering, period."



"So tell me, Fletcher, have things at the bank calmed down any since I retired?"

• •

After Fried filed his brief, in July of 1985, Lee toned down the text of this speech, which he eventually delivered at Franklin and Marshall College. "Over the long run . . . the single most important factor contributing to the success of a President's litigating objectives is the preservation of the Solicitor General's unique standing with the Supreme Court," he said in the revised version. "This is not to say that it is never advisable for a Solicitor General to take a position that he knows the Court will reject. There could be long-range objectives to be served by such a filing. All I am saying is that there are large costs, and it is rarely advisable. In my four years I never did it, though I always held open the possibility that in a sufficiently compelling case I might."

Lee restricted his disagreement with Fried to the area of tactics. At a conference about constitutional law in Washington, he said, "The one thing you learn as Solicitor General is how to count to five." When he joined the Akron case as amicus, in 1982, he said, he believed that the Administration could not win five of the Court's nine votes to overturn Roe v. Wade, so he did not ask the Court to consider overturning it, even though he was highly critical of the ruling. The makeup of the bench had not changed since Fried took over as S.G., so it made little sense to ask the Justices to abandon Roe. The plea, Lee went on, detracted from the S.G.'s credibility, because it gave the Justices the impression that he was using the Supreme Court as a political forum; and it afforded the Court the opportunity to reaffirm the holding in Roe v. Wade, yielding, in Lee's words, "one more recent precedent to fight."

In time, both Fried and the Attorney General addressed Lee's points. Terry Eastland, Meese's spokesman at the Justice Department, acknowledged that a majority of Justices were not likely to take the government's line in the abortion case. "But a brief can stimulate public discourse on an issue," he said. "Notice the commentary . . . that's already out there now. It wouldn't be there except for our brief." Eastland's remarks corroborated Lee's belief that some in the Reagan Administration wanted the S.G. to serve as a Pamphleteer General, using submissions in the Supreme Court to address the larger

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

audience of voters beyond the capital.

Fried did try to keep the discussion on a higher plane than that of a pamphlet, and declared that his brief was business as usual. The commotion over it said more about his critics than about his views, he maintained. At a speech to the Chamber of Commerce of the United States, in Washington, he said, "I haven't discussed our brief in the abortion cases, and I'm not going to, but you might actually be interested to read it, and see whether it has any bearing on what I've said. The press, which does not like to read things, but prefers to call people up on the telephone and provoke *them into indiscretions*, called me a lot when that brief was filed, and they said, 'Well, what was the reason for you taking the position you did?' And that gave me the chance to say, 'You don't understand. A brief is not like a symphony. It's not like a directive. It's not even like a proclamation. A brief is nothing but reasons. And to ask "What are the reasons for your position?" is to ask . . . "May I read it?" ' "

During his remarks, Fried presented a sketch of the outlook informing his judgments as Solicitor General. He referred to Herbert Wechsler, his former professor at Columbia Law School, and a giant in the field of American constitutional law, who is noted especially for his theory of neutral principles related to the traditional idea of judicial restraint. In an essay published in 1959, Wechsler argued that unless courts could find reasons that were general and neutral enough to apply beyond the immediate case, they had no grounds for overturning the judgments of the other branches of government. "I'm a reverent student of Herbert Wechsler," Fried said, and he indicated that his abortion brief was an expression of his belief in neutral principles.

One of the scholars who read Fried's brief was Wechsler. "On balance, my own opinion is that the Solicitor General made a mistake in the abortion case," Wechsler said not long ago. "The recency of the reaffirmation of Roe v. Wade coupled with the fact that there had been no change in the membership of the Court suggested to me that the government was posturing rather than practicing good law when it asked for a complete reëxamination of the issue. It's one of the oldest traditions of the Court, going way back to Chief Justice Taney, that the Court stands ready to reconsider its judgments if they are shown to be wrong. Over and over again, this has been done, and the notion persists. But I can't really believe that Charlie Fried thought that this was an appropriate case for the Administration to ask the Court to restate the law. You've got to see the thing in long perspective. On the one hand, you've got the tradition that the Court is prepared to reëxamine its decisions. And, on the other hand, that the Court considers that it speaks the last word in cases about interpreting the Constitution. Where to draw the line —between persistence and presumption—is more a matter of common sense than abstract thinking, and I think the Solicitor General was presumptuous in the abortion case."

Wechsler recalled, "Charlie Fried was a student of mine in the fifties, and a very brilliant fellow. I think his views as to what is right are close to Meese's. But I was surprised he took the job as Solicitor General, because he must have known he would confront the conflict between the office's and the Court's institutional values versus Administration policy. If Charlie Fried really believes that he has things to say about Roe v. Wade that have not been said, and that he has a fresh objection to the case that the Court might consider determinative, then he has a right to say it. But he's obviously a damn fool if he thinks he has anything to say that hasn't already been said."

The review of the government's brief that Fried favored was an article by the politically moderate Edwin Yoder that appeared in the Philadelphia *Inquirer*. "Needless to say, it strikes me as an accurate and balanced discussion," the Solicitor General said about the piece. Yoder is a syndicated columnist who won a Pulitzer Prize for editorial writing, and he opened his assessment with a disclosure: "I can, for once, shed some first-hand light on a relationship that threatens to generate an obscuring excess of steam," he wrote. "Charles Fried, an old friend, has come to Washington from a distinguished teaching career to serve as U.S. Solicitor General—chief legal advocate—for the Reagan Administration. Fried is a kind, jolly, and brainy man. He is, however, addicted to dialectics as others are to bourbon or baseball. Those unaccustomed to his manner tend to find him contentious." Yoder's thesis, however, was that the "misimpressions" about the S.G.'s brief had more to do with the abortion issue itself than with Fried's personality. "To argue that the Court should return the power to regulate abortion to the states, as Fried does, is not to argue for an outright ban on abortion," Yoder wrote. "In fact, the judicial debate is only secondarily about abortion."

From the vantage of the S.G.'s office, and in the view of several lawyers whom Fried had inherited as members of the staff, the problem with Yoder's column was that it missed an essential fact. When the columnist suggested that "the brief undoubtedly represents Fried's best thought on the law of abortion, not a pose forced on him by Attorney General Ed Meese," and that "insinuations to the contrary drastically underestimate Fried's commitment to principled debate and the Constitution," Yoder wrote with the confidence of an old friend, apparently not sharing the conviction held by many in the S.G.'s office: if Fried wanted to be named Solicitor General, and shed his conditional status as Acting S.G., he had no choice about what position to take in the abortion case.

A lawyer in the S.G.'s office who became one of Fried's main supporters after he was named Solicitor General explained, "The Attorney General made it absolutely clear how far the government was going to go. Charles couldn't afford to give a hint of ambivalence about the position or he would have dropped out as a candidate for the post."

Fried held a different view about his freedom as S.G. to write what he wanted. With longtime colleagues at Harvard Law School, he was cavalier. "I have no trouble saying what the Attorney General and his crew want me to, because I'm much more conservative than they are," he told them. When former Solicitor General Erwin Griswold, who had hired Fried for the Harvard faculty a quarter of a century before, expressed the view that the Acting S.G.'s abortion brief so clearly flouted the deference of his office to the Court that it "apparently was filed pursuant to instructions," Fried called that comment "a shameful thing for him to say." Another time, Fried said, "Anyone who says I was forced to write what I did in the abortion brief doesn't know what the hell he's talking about." His vehemence was prompted by, among other things, a story in the *Wall Street Journal* ("Jus-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tice Department sources say Mr. Fried wasn't immediately nominated in June so department officials could test his willingness to advocate administration positions"), stating the view that was common in the S.G.'s office and elsewhere at the Justice Department: to Meese and company, the abortion case was Fried's loyalty test.

ON the mid-October morning in 1985 when Charles Fried appeared before the Senate Judiciary Committee for his confirmation hearing as S.G., there were never more than half a dozen members present. They came and went, and a total of ten of the committee's eighteen members took part. Fried said afterward, "the fix was in." Fried's testimony was careful and well prepared, and he controlled the give-and-take. "Mr. Chairman," he said in answer to a question from Strom Thurmond about his legal qualifications to be Solicitor General, "I think that of all the experience that I have had, that which qualifies me most, if I am qualified, is an experience I had twenty-five years ago, when it was my privilege to be law clerk to I think one of the finest Justices in the history of the Supreme Court, John Marshall Harlan, and I hope I carry his standards, and his values, in my heart and mind as I do this work." Like his invocation of Wechsler in speeches, Fried's reference to Harlan was shrewdly made, because Harlan was widely respected for his legal craftsmanship.

How did Fried plan to conduct himself if he was confirmed by the Senate?

"Nothing would be more important to me than to maintain that sense of confidence which I believe the Supreme Court has always had in the office of the Solicitor General," he said. "That the Supreme Court can believe that the work that comes from the office represents the most objective, the most accurate, and the fairest presentation of the issues before it. To be sure, the office of the Solicitor General is an advocate's office. Nevertheless, I think though we are advocates, though we are the government's lawyer, we are also handmaidens to the Supreme Court, and the Supreme Court has always reposed a very special confidence in the quality of our work, in the accuracy of our work, and in the objectivity and restraint of our judgments, and I would hope very much to keep that up."

Thurmond asked about the charges that "urging the abandonment of Roe versus Wade [was] an indication that the Office of the Solicitor General is being somewhat politicized."

Fried answered, "Senator, I do not believe that our office has been politicized, and I would not wish to serve as Solicitor General in order to further a process of politicization. I suppose that the President has nominated me because he has some sense of what my philosophy is, and that philosophy enters into my judgment of what the law is on a particular matter, and what arguments should be made. But certainly partisan political considerations have never entered into our judgments, never should enter into our judgments, and I would never allow them to enter into our judgments."

A few days later, when told that he had seemed very comfortable answering questions from the committee, Fried scoffed, "These people don't have follow-up questions, because they don't decide which questions to ask in the first place."

The quiet that greeted one of his remarks to the senators suggested the accuracy of his comment in this instance: either they knew little about the tradition of the Solicitor General or they were willing to accept Fried's recasting of it. "The office is, always has been, must remain independent," he said at the hearing. "I would like to explain what that means, because the statutes and regulations which set out the Office of the Solicitor General plainly indicate that the Solicitor General is a subordinate official of the Attorney General. I think the original . . . 1870 statute speaks of the Solicitor General as a helper to the Attorney General, 'learned in the law.' Now, the way in which the Solicitor General serves the Attorney General, which he does, is by giving his own best independent judgment. That is how he renders that service. Now, the Attorney General does not have to accept that judgment, and he has got to make his own judgments, and that means that there will be occasions—there always have been and there will continue to be—in which the Attorney General, in rare cases, concludes that the judgment that his Solicitor General has given him is a judgment with which he does not concur, and, in that event, he has the clear statutory authority to direct the Solicitor General to take a contrary position. There is no doubt about that."

Until then, Fried's lesson had been unremarkable, a reading from a nuts-and-bolts chapter in a textbook. But then he turned the post of Solicitor General from a position of independence into the job of a good-natured mouthpiece. When the Attorney General directs the Solicitor General to take a contrary position, Fried said, "I think it would be *peevish* and *inappropriate* for the Solicitor General to be anything but *cheerful* in accepting that reversal." (His voice supplied the emphasis.) He said that frequent reversals would give the S.G. "a right to wonder" whether the Attorney General had confidence in his judgment, and that the S.G. "should simply not" take a position "which he feels is influenced by improper factors, or cannot conscientiously be urged to the Court." But the message he delivered most assertively was that he had already assumed a loyal position on the Reagan team.

Fried was also asked how the Justice Department determined its position in a case before the Supreme Court, and how he intended to resolve any differences of opinion within the Department.

Again, he gave a textbook answer. Some part of the government "will have won or lost a case in a court below, and will then request that our office take that matter to the Supreme Court." The request usually came on paper, and it was assigned to an assistant in the S.G.'s office. "The assistants in the office are an extraordinary group of men and women, professional career lawyers of the highest degree of competence," Fried said. "That memorandum is then reviewed by one of the deputies, who are even more remarkable than the assistants, and fewer in number, and that deputy and the assistant together make a recommendation to the Solicitor General, who then proceeds to make a final disposition, whether the request of the agency or department to bring a case

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to the Supreme Court will indeed go forward. If we determine it shall go forward, then we proceed to draft the papers, draft the brief, and argue the case."

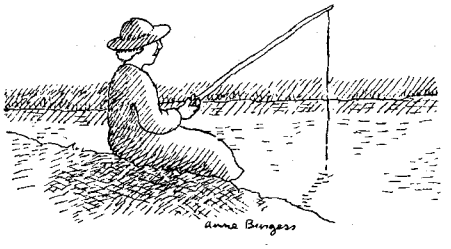
What Fried neglected to tell the committee—since he had never known the arrangement to be otherwise, he may not have thought there was any reason to mention it—was how differently from the textbook description the S.G.'s office now worked. To anyone who knew about the change (none of the senators did, apparently), Fried's answer sounded almost like part of a coverup. He was frank about the deference he thought he owed the Attorney General, but he said nothing about how closely the Attorney General was keeping tabs on the S.G.'s work. Nor did he refer to the agent selected for the task. The agent's name—William Bradford Reynolds—would have astounded at least the members of the Senate Judiciary Committee who had voted against Reynolds' confirmation as Associate Attorney General four months before.

When Rex Lee was S.G., Reynolds, as Assistant Attorney General for Civil Rights and, in effect, Shadow Solicitor, exercised influence far beyond his official status in deliberations about the government's position before the Supreme Court in civil-rights cases, and also in many other cases where President Reagan's agenda was at stake. Soon after Charles Fried replaced Lee, in June of 1985—and almost immediately after the Senate Judiciary Committee rejected Reynolds' promotion to Associate Attorney General—the civil-rights chief was rewarded for his past vigilance. The Attorney General announced that he was giving Reynolds "important new duties" beyond his role as Assistant Attorney General, and that he would be "part of our senior management team" with "a number of assignments." Meese did not detail the new work, but he offered a large hint: Reynolds would operate on a par with the Deputy Attorney General and the Solicitor General, he said—above the rank of Assistant Attorney General and at the same level as Associate Attorney General.

Reynolds could no longer hope to use the Associate's post as a way station to becoming Solicitor General, as some of his allies in the Administration had planned he would and as many lawyers in the Justice Department and some senators on the Judiciary Committee had expected he would. But Reynolds, instead of resigning, as some senators thought he should, stayed on at the Justice Department. He was written up in a series of newspaper features, in which the Attorney General praised Reynolds' "strength of character" and "tremendous statesmanship," and said how much he relied on his advice in a wide range of legal matters. (In May of 1987, Meese appointed Reynolds Counsellor to the Attorney General, to supplement his title of Assistant Attorney General, and finally make official the longtime special relationship between the two men.)

The week of the Fried hearing, and just days before Fried was confirmed as S.G., a lawyer in the S.G.'s office reported matter-of-factly, "Reynolds now sits in on most meetings dealing with sensitive political cases." One of Reynolds' assignments was to monitor Charles Fried's submissions as Solicitor General.

LAWYERS in the S.G.'s office describe themselves as nerds, wonks, and idiot savants who wear dull gray suits and thick-soled wing tips and sometimes relieve the intensity of analyzing cases with a quick game of darts. In 1985 and 1986, some were anxious about what the S.G.'s office was becoming, and if they had been able to testify before Congress without jeopardizing their positions they could have told a different story from Fried's. When the assistants discussed why they thought the tradition of the office was under assault, they balanced the list of wrongs against the office with an acknowledgment that the laws and cases in dispute could usually be interpreted in several ways. But they seemed to be a wounded, bewildered lot. They were contemptuous of what they considered crude legal notions emanating from the A.G.'s office and often supported by Charles Fried as S.G., yet they were fully aware that Meese and, to a lesser degree, Fried had the power and they did not. These were smart, highly trained, articulate people who had a passion for the law. Though some expected to go into private practice or to teach, many hoped to spend their careers right where they were. They took the challenge to the way of doing things in the S.G.'s office as an affront to a great institution and, because of the S.G.'s role, an attack on the integrity of the law.



Edwin Kneedler, then a six-year veteran, explained in an interview the value that the S.G.'s office had long attached to process. He sketched how the S.G.'s office traditionally worked, and added a new dimension to the standard description. Ordinarily, an agency like the Department of Health and Human Services would recommend to a division of the Justice Department—say, the Civil Division—that the government appeal a case. The Civil Division would then make its recommendation to the S.G. about what should be done. The case would be assigned to an assistant to the S.G., like Kneedler, who would write a memo assessing the pros and cons of the recommendation. Making a proposal of his own, he would send the memo to a deputy, and the deputy would add his thoughts in a brief note, which was sometimes handwritten on a modest slip of yellow paper. The memo and the note would go to the S.G., and the S.G. would make a decision. If there was any disagreement about what to do, lawyers from the agency and the division involved might be invited to a meeting with the assistant to the S.G., the deputy, and, perhaps, the Solicitor General, to resolve the case. In rare instances, the Attorney General would also be asked to help decide.

These steps represented a form of due process. The assistant to the S.G., in preparing his memo, would seek out the views of officials from all parts of the government who had a stake in the case, to make sure that his recommendation was informed by their experience. He had the freedom to express his own thoughts, but he was forced to put down on paper his assessment of the position that the government should seek, making it clearer and easier to grasp than it would have been in an oral report, and harder to ignore if it ran counter to a claim with support elsewhere in the government. The deputy was forced to articulate his ideas on paper as well, if they clashed with the assistant's. Each point of view had a chance to be considered, and when the reckoning came it was with ideas rather than with some form of posturing. The Solicitor General could rely on both the balanced approach of his aides and the clarity of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the record as a foundation for his judgment. Being independent, as the Solicitor General usually prided himself on being, did not require riding roughshod over the rest of the government. The S.G.'s office sat at the top of a very large pyramid—lawyers in the ninety-four United States Attorneys' offices at the base, the Justice Department's trial divisions in the middle, and its appellate sections just below the apex—and a skillful S.G. used the government to help make a reasoned decision about the law.

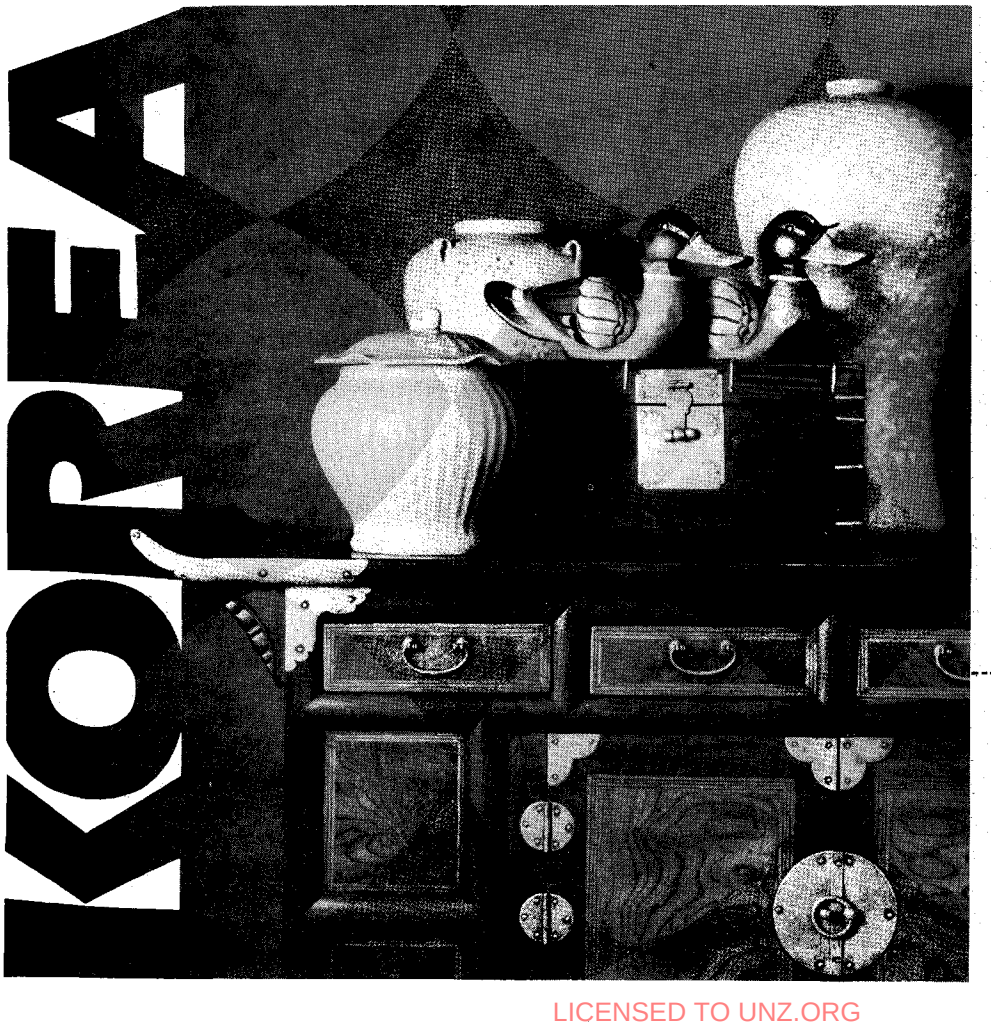
"If you think about it, there are few occasions when one branch of government speaks directly to another: the State of the Union address; proposals for new laws; vetoes of legislation," Kneedler said. "There is a great deal of diplomacy about these occasions. Our filings in the Supreme Court are on this short list, and our faith in the separation of powers requires us to be respectful. For justice to be done, it must be seen to be done, too, and that's what this process is about."

To many on the S.G.'s staff, two deputy S.G.s, Kenneth Geller and Andrew Frey, best represented the office's commitment to process. Geller came to the S.G.'s office in 1975, after serving as a member of the Watergate Special Prosecutor's staff. By 1985, he was in charge of civil cases, and he was known at the Justice Department for his intense dedication. In his dealings with its Civil Division, Geller was often acerbic. He sometimes began notes about the division's papers, "As usual, the Civil Division has missed the point." Lawyers who were on the receiving end of such comments hoped that they were not supposed to take them personally. Ridicule and sarcasm sharpened Geller's principal tool—reason—and if work from these lawyers gave him grounds for exercising it they were willing to be corrected. Some of his colleagues held him to be the best lawyer they had ever worked with.

Andrew Frey was the office den leader: around twelve-thirty almost every day, he would knock on doors along the S.G.'s corridor and call "Lunch!" in an announcer's voice, rounding up half a dozen lawyers for a session about the law over sandwiches in the Justice Department cafeteria. He was in charge of criminal appeals, and in his area was known as a persistent, sometimes obstinate conservative. Wade McCree recalled that on becoming Solicitor General, in 1977, he was warned by people in the Carter Administration to "watch out for Andy Frey," because "he just wasn't a liberal." (Frey became a favorite of McCree's.)

The most compact example of Frey's ability to persuade the Justices to take a position on the side of the government and against criminal defendants came in the area of double jeopardy. The principle of double jeopardy is reputedly the oldest of the procedural guarantees included in the Bill of Rights, but as a field of constitutional law it was only sketchily developed before Frey joined the S.G.'s office. Until then, most American lawyers with reason to think about the subject had assumed that the double-jeopardy clause of the Fifth Amendment ("nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb") meant that a criminal defendant had almost complete protection from further proceedings after most judgments in his favor by a federal court, and not just the obvious protection against a second trial for the same offense after he was acquitted.

Frey persuaded the Justices to read



The latest improvements were made over 600 years ago.

The classical perfection of Korean Art is admired the world over. And its affordability is appreciated by every visitor.

Korea offers some of the best antiques and antique markets in Asia. And reproductions are simply 'unimproved' versions of the classics. Solid, well-made, the products of craftsmen.

Let us send you more on the unique shopping, and everything else, that makes Korea so special.

SEE KOREA

Send to: Korea National Tourism Corporation,
Korea Center Bldg., 460 Park Ave.,
Suite 400, New York, NY 10022, U.S.A.
Tel: (212) 688-7543/4
Tlx: KNTCNYUR 225578

Name: _____

Address: _____

US/NY/NY/S1/08/7

KOREA
HOME OF THE OLYMPICS. AND MORE.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the clause as he did in most cases, and limit the reach of this safeguard. Balancing the defendant's interest in receiving a final judgment and the state's interest in effective law enforcement, the Court accepted Frey's proposal that the latter be given more weight.

Peter Westen, a professor at the University of Michigan Law School and an expert on double jeopardy, observed recently, "The truth about Frey's work is that it was just highly intelligent advocacy. It didn't raise any red flags, because his were the same arguments that someone could make who was not pro-government, so few scholars in the law, let alone anyone else, picked up on it. He just tested old myths about doctrine, and came up with ideas based on good legal reasoning. It was a careful, methodical, incremental process."

IN March of 1986, it had been nine months since Charles Fried took over as Acting Solicitor General and five since he was confirmed as S.G. In that period, more than a quarter of the assistants and deputies in the office had left, and been replaced. On the first Wednesday in March, Andrew Frey, Kenneth Geller, and an experienced assistant named Kathryn Oberly, who were three of the most highly respected lawyers in the office, announced to Fried that they, too, had decided to leave. A lawyer in the office recounted, "At three-thirty the next afternoon, a couple of secretaries came down the hall and told us we were wanted in Mr. Frey and Mr. Geller's offices immediately. People knew something was afoot. There was an inkling, but we weren't sure what. We all crammed into the suite where Andy and Ken worked—next door to each other, in adjoining offices—and Charles said there were some announcements. Andy started, and told us that he and Ken and Kay were going to be leaving to join Mayer, Brown & Platt," in the Washington branch of that Chicago law firm. "Andy said it was a bittersweet moment for all of them, because the S.G.'s office meant a lot to them. But the law firm had offered a wonderful opportunity. Then Charles piped up, and that's when the offensiveness began. He said, 'We're sorry to see Andy and the others go, but I have some really good news.' Then he told us about their replacements. He went on for a long time, and finally Larry Wallace"—the longtime deputy S.G. who had been removed from responsibility for civil-rights cases after challenging the views of the Reagan team in the Bob Jones case, the Administration's greatest embarrassment in the Supreme Court—"who hadn't planned to speak, felt compelled to deliver a kind of apology for Charles. There was a lot to apologize for. The combination of Charles' remarks and his press release about the new appointments, which did not mention Andy or Ken or Kay, made it seem as though he had asked them to leave. Neither he nor anyone else said that, but it was definitely there. Of course, that was the farthest thing from the truth, and what he did was a terrible thing for him to do. It was as if somebody giving a eulogy had said, 'The deaths of this trio are too bad, but life goes on and besides there are three less mouths to feed. And let me tell you about my three *new* friends.' Charles must have known that it was bad for the office to lose three first-rate, experienced professionals at one blow, but he had no idea of the depth of feeling that people have about all this. It is going to mean the end of an era, and I blame Charles."

In the history of the S.G.'s office, there had never been a wave of departures like the one under Fried. With the departures of Frey and Geller, the office had lost three of its four nonpolitical deputies in five months. (The other longtime deputy to leave was Louis Claiborne. At a farewell party in his honor, he said, "For me, it is too late in the day to cast off what we call the Old Humility in order to take up the New Arrogance that now prevails, and so I leave with no reluctance.") The three had a combined total of over forty years' experience as government lawyers. Oberly, as a senior assistant, had four years' experience in the S.G.'s office, and she had thought about making a career in the government. After she and her colleagues left, three-fourths of the lawyers had been there less than two years. Counting all the lawyers who left during Fried's tenure, the rate of turnover in the S.G.'s office was fifty per cent in his first year—double the normal rate. Lawyers in the S.G.'s office recognized that Frey, Geller, and Oberly had all left for different reasons, but they also believed that the three had been increasingly disturbed by Charles Fried's advocacy and had finally lost patience with him.

In an article about the S.G.'s office that appeared in the *American Bar Association Journal*, Robert Stern, a former member of the S.G.'s staff, wrote, "The Office, experience proves, molds the Solicitor General, who usually comes from an entirely different background from that of his staff, but almost invariably prides himself on conforming to the standards of the Office. The consequence is that the Office operates pretty much the same way no matter who is Solicitor General." Until the end of the Carter Administration, longtime lawyers in the office later said, Stern was essentially correct. The S.G.'s office retained the image of a talented, hardworking, compulsive band that set great store by legal reasoning and was accustomed to almost total deference from the rest of the government. In reality, the assistants and deputies knew, they got their way more often in dry technical cases about tax law than they did in front-page tests of the Constitution, and they thought this was appropriate. Some, they admitted, were occasionally less punctilious than tradition suggested, and counselled the government to override the interests of other litigants in court. They could also be high-handed about basic details. If they did not like the draft of a brief written by a lawyer elsewhere in the Justice Department, they often discarded it and wrote one to replace it. But the lawyers admitted their lapses, because they were confident about the general value of their prudent ways.

Under Rex Lee, Bradford Reynolds' frequent clashes with lawyers in the S.G.'s office led him to use almost on a regular basis a tactic known as "running to the A.G.," to ask the Attorney General to overrule a decision of the S.G. with which he disagreed, and the S.G.'s office became the subject of increasingly common front-office arbitrations. When Charles Fried became S.G., Reynolds did not have to go to the Attorney General, because Edwin Meese had designated Reynolds the S.G.'s overseer. A former assistant recalls that "it used to be that the S.G.'s slip"—the piece of paper on which the Solicitor General announces his judgment in a case—"represented the last word." In Lee's time, if Reynolds disagreed with the S.G. it was reason for a new debate. By Fried's day, lawyers in the S.G.'s office expected that in almost any controversial case the S.G.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would have made the S.G.'s slip an afterthought: according to some of Fried's assistants, when a case reached him for decision during his first year as S.G. he figured out what was expected of him in the front office by speaking with his "kitchen cabinet." This was composed of lawyers responsible for the Administration's position in the Bob Jones case, who were known as the Bob Jones team: Reynolds; Carolyn Kuhl, whom Fried promoted from Deputy Assistant Attorney General for the Civil Division to take his place as political deputy; and Charles Cooper, whom Attorney General Meese promoted from his post as Reynolds' deputy to be Assistant Attorney General for Legal Counsel.

Fried saw these facts differently. Cooper and Kuhl were talented lawyers whose ideas he valued, he said. He often turned to Reynolds for advice out of respect for his judgment. When the Reagan right gathered one night in Washington for an event called "Saluting an American Hero: A Tribute to Wm. Bradford Reynolds," soon after Fried was confirmed as S.G., he asked for a chance to offer a toast. His toast ended, "It has been a great honor to have Brad as a collaborator in the Department of Justice. It has been a great honor to agree and disagree with Brad, to learn from him, to persuade him and be persuaded by him. It has principally and overwhelmingly been an honor to have Brad as a friend. It is that friendship, after all, which we are all here to acknowledge and celebrate. Let me say that in the last few months we have all learned that Reagan people make the very best friends."

Lawyers in the S.G.'s office especially resented what one called "the shadow process"—Fried's freewheeling method of taking part in the office's development of positions. It came about slowly. Soon after Fried arrived as political deputy, in 1985, he asked an assistant to rewrite a memo, because he did not like its tone. The assistant reminded him of the office tradition that every lawyer was responsible for his own arguments, and said that if Fried did not like what he had read he was welcome to set his own thoughts on paper and append them to the memo bound for the S.G., according to the practice of the office. Fried again asked the lawyer to rewrite the memo, emphasizing that it was the tone, and not the outcome of the argument, that he disagreed with. What happened next suggested otherwise. After the lawyer submitted a milder statement of the case, Fried made it appear toothless by flatly disagreeing with its substance.

Once Fried was confirmed as S.G., the shadow process was stepped up. Sometimes, in a sensitive case, according to lawyers in the S.G.'s office, Fried picked up the phone and called the general counsel of the agency that had the grievance so they could work out a deal. The lawyers in the agency and the lawyers responsible for the case at the Justice Department—and especially at the S.G.'s office—who had laid the groundwork for the judgment of the Solicitor General were left in the dark about the arrangement he had made. In the cases involving President Reagan's social agenda, the problem of ad-hoc negotiation was even worse, lawyers in the S.G.'s office were certain. Fried held secret meetings with his kitchen cabinet and others to set a position for the government, or excluded lawyers in the S.G.'s office from meetings that were not secret. He did not consult assistants who had written the basic memos for cases, and he used their papers to legitimatize the agreements he struck on his own. He also undermined his assistants' status with the rest of the Justice Department. Where the assistants had been accustomed to deference, they became prey to phone calls from the Attorney General's special assistants, fresh from judicial clerkships, who took their cues from other front-office lawyers and started checking up on the Solicitor General.

"Part of our being upset over this is the arrogance of the people in the S.G.'s office," one of the S.G.'s assistants admitted. "We think we're good lawyers. But there's also a value to putting arguments on paper, so everyone knows what the choices are and other lawyers are forced to deal with the merits or get the chance to offer a counterview. We're also the only lawyers in the government who take a relatively neutral view. The agencies have axes to grind, because their programs are at stake in litigation. This Administration's senior executives are so political that their legal views are colored as well. That leaves the S.G.'s office, and one of the things that people in the office like least is that Fried gets advice from the agency involved, the responsible part of the Justice Department, his kitchen cabinet, and us as if they were all on the same footing. He treats us like any other part of the

The Danes Pelt Paris

The Beautiful furs of Birger Christensen of Copenhagen have found a home in Paris. And if, on your next trip, you crave a fur creation, then you are truly St. Honoré-bound. Rue St. Honoré, that is. That's where you'll find us. Please come. We've added a warm glow to the City of Light.

BIRGER CHRISTENSEN

412 RUE SAINT-HONORÉ PARIS. TEL. (1) 42·60·36·50

Waterford also looks good on bookshelves.

Our full-color catalogue beautifully illustrates why Waterford® is a best-seller. Send $6.00 plus 50¢ shipping and handling to Waterford Crystal Inc., 225 Fifth Ave., New York, New York 10010.

Quiet Elegance in London's Most Fashionable Setting

The Chesterfield

Hotel Deluxe

35 Charles Street, Mayfair
(just off Berkeley Square)
London W1X 8LX, England
Telephone: 01-491 2622 212-245-9389
Telex: 269394
A Tollman-Hundley Hotel

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

government. That is what people in the office find most difficult to take."

The most sympathetic appraisal of Fried made by career lawyers in the S.G.'s office—an appraisal that was shared by some who followed it from outside the government—was based on an explanation of circumstances: In the Meese Justice Department, Fried had little room to maneuver between the Attorney General's inner circle and the traditionalists in the S.G.'s office—social revolutionaries with no regard for the law and intransigent holdovers, as they saw each other—and Fried was caught in the middle of that clash of forces. He was the right man at the right time, the appraisal went, because his cleverness, good nature, and intelligence equipped him as well as anyone to satisfy both sides. Fried joined a group of the Attorney General's inner circle known as the Committee on Religious Liberty for meetings to discuss how to promote their extreme version of that concept before the Supreme Court, but he also recognized, thanks to advice from his deputies, the value of hiring lawyers who met the standards of the S.G.'s office. Aligning Fried with Meese missed the complexity of his role, his appreciation for the traditions of the S.G.'s office, and what was actually the moderation of his lawyering, even if the Attorney General went beyond valuing the Solicitor General's "intellectual breadth," and considered Fried a reliable member of his inner circle. While Fried always insisted that he was frank when he spoke about his judgments as S.G., one of his allies said that Fried's need to satisfy Meese often prevented him from saying what he truly believed about his advocacy for the Administration.

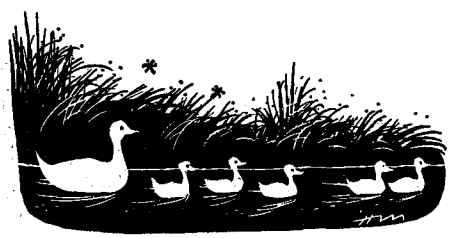
When one of Fried's critics in the S.G.'s office was asked to comment on the theory of his supporters, the lawyer said, "Charles sees himself as a consensus builder. He thinks he hammers out deals that make everyone happy. The problem is they leave no one happy." The defiant tone of this remark seemed to bear out Fried's explanation for the bad feeling about him expressed at the S.G.'s office: it was grousing from a bunch of prima donnas who were angry that they had lost their sway. Fried said that making the S.G.'s office more accountable to a democratically elected President was bound to cause resentment. Several former aides to the Solicitor, including one who shared and one who criticized Fried's ideas, supported this view. A former deputy who is now a federal judge said that the Solicitor General was inevitably involved in judgments about policy; the real surprise about the office was that it did not get more guidance from the White House. Surely Charles Fried was correct, though deputies like Andrew Frey and Kenneth Geller disagreed, that the job of the Solicitor General was not to extend the power of the government virtually every time it went to court. That was not the meaning of "doing justice." His job was to represent the policies of the current government as well as he could, and still perform his other duties as S.G.

To some observers of the office, the deputies and assistants were finally getting their comeuppance. They invariably judged someone by how smart he was—when lawyers in the office heard a comment they considered worthy, they said, "That's a thought," as if awarding a star—and sometimes forgot that the clever answer was not always the right one. The real tradition of the office was a clubby sense of self-importance—what one ex-assistant called "a collective smugness." Some of the S.G.'s aides from Columbia, Harvard, and other élite law schools looked down their noses at political officials like Bradford Reynolds, Charles Cooper, and Carolyn Kuhl, as if where the three had studied law (Vanderbilt, Alabama, and Duke) was enough to explain why they failed to defer to the wisdom of the office's career lawyers. ("They don't know any better, because they didn't go to the right schools," one of the S.G.'s lawyers explained seriously.) A bunch of well-credentialled white men (no matter how calmly the women in the office took their poor representation among the regular attorneys, it was conspicuous—only nine women since 1972, when the first was hired—and the office had employed only five blacks, including two S.G.s) had used a vague tradition as a cover for insisting on arguing whatever made sense to them in the law.

However compelling some of the criticism of the career lawyers in the S.G.'s office might be, Fried consistently brought the focus back to himself. "I'm feeling very upbeat about the office," he said one day late in April of 1986. "The term is coming to a wonderful end." Not long after that, he talked about the changes he had weathered. "When Andy and Ken and Kay walked in and said they were leaving, my heart fell into my shoes," he said. "I thought, This is a potential disaster. The buzzing about the office would have just what it wanted—a sign of vulnerability. I was very upset, and I was hurt, because they'd given me no warning. If the word got out, the vultures, very much in the press—they like to see an event, a trend that corresponds to a cartoonlike quality—if the word got out, the event would prove itself. Those were five of the worst days of my life, but today I think we are in very good shape. After the assistants got over the shock, they were entirely with me." Confident that the office was finally under his control, Fried downplayed continuing rumblings as the harmless mutterings of a temperamental staff. Repeating a phrase that some assistants used to describe their efforts to persuade him not to send one of his flightier notions to the Court, the S.G. gamely made fun of himself. "Of course I appreciate it when the assistants 'scrape me off the ceiling,' " he said, as if it were the job of the young lawyers, a few years out of law school, to protect the Solicitor from his foibles, and not the other way around.

The image that Fried wanted to convey was of a Solicitor General who served both the Reagan Administration and the traditions of the S.G.'s office. He blamed the lawyers in the office for the problems they had encountered in dealing with political officials at the Justice Department before he took over. An observer of Fried who worked in the S.G.'s office was asked why he thought the S.G. did this. He explained that Fried said things like that for public consumption, to keep Attorney General Meese and the "idiots" around him happy, but actually relied increasingly on the lawyers in the office—especially the ones he had chosen. "To get along in this Justice Department, you've got to be a hypocrite," the lawyer asserted. "You try to keep Meese and everybody happy, you try to operate by the traditions of this office, and to grease the wheels you sometimes say things that you'd rather not have to. Charles understands this."

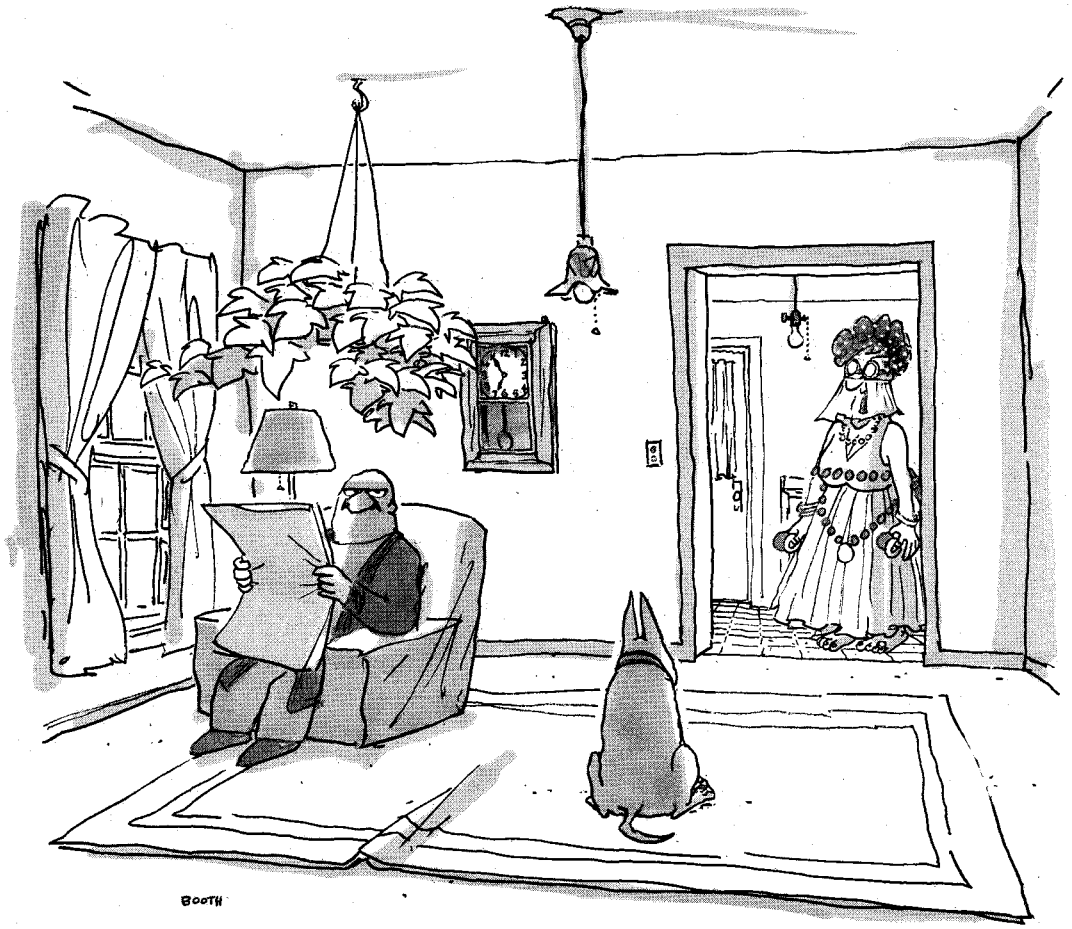
Fried emphasized the warmth and



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

collegiality in the S.G.'s office, and said that a new era of harmony had begun. He made a point of going through the roster of lawyers in the office and saying how well he got along with each one. Some of the lawyers he mentioned had different views. "It's definitely the end of an era, in the sense that the S.G. no longer has the final say on what the law is," one said. "At least through the late sixties, there were few challenges to the S.G.'s authority, and there was little pressure on assistants and the deputies to change their minds about a legal problem. As recently as the tenure of Wade McCree, during the Carter Administration, you felt you could say what the law was and be protected by the Attorney General. That was still true of Rex Lee. You got the feeling that even if Lee felt pressure to take a different position, once he'd acted, one way or the other, the chance of reversal wasn't high. These days, it's pretty clear that Fried doesn't have free rein. Now there's a constant need to find a middle ground and accommodate the political folks. The S.G. is not making decisions that are the best for the government, in the best of all possible worlds. Sometimes the accommodations work fine. You also hear there are secret meetings on political cases—meetings that people in the office don't get invited to. From the Administration's point of view, that makes sense, because they came in with a prejudice against career people, and thought the S.G.'s office was trying to subvert the President's program. But it's still a big change.

"As for a sense of cohesiveness and spirit, it's hard to have that when only four of the seventeen assistants have been here more than two years. It's hard to imbue the new people with the traditions of the place, even if they like tradition. Charles has come to appreciate the value of the organization more than he did when he came in, as a loner, and he puts stock in collegiality. I don't see him as a captain on a bridge, far removed from the deck. But he has a different way of doing things. Even if the office isn't going down the tubes, the underlying question is: What is the role of the office? What is his job? How much independence should the S.G. have? Under Fried, you get the sense that he has less to say about how these questions are answered than people outside the office do. Even if he's not told what to do, there's a way of exerting pressure. An Assistant A.G. comes to see him over and over, and after a while Fried must get the idea he'd better do what the guy wants, or else. He has less authority to turn people down than the S.G. had in the past. If you're not willing to go along, you're obstructing the President's program. And Fried doesn't have trouble going along. He's not constrained by the government as a client, by precedent, or by standard legal reasoning. He takes a longer view, of who might be on the Court and what the law might become. If you're on the receiving end—that is, if you're up at the Court—it must be hard to distinguish between the abortion-type briefs and traditional ones. They get lumped together. That's the cost to the office—not having credibility."



"Don't wait up."

• • •

FROM the day that Fried filed the government's brief in the abortion case, the question most often asked about the S.G.'s office was how his aggressive advocacy would affect the office's standing with the Court. Whether the Solicitor General is seen as serving only the interests of the President who appointed him, as maintaining loyalty to both the executive branch and the judiciary, or as serving all three branches of government through his duty to the law, the Solicitor General's credibility with the Justices is indispensable to him: he can be effective only as long as the Justices have confidence in his competence, his integrity, and his legal judgments.

Not long after the start of the 1985 term, Charles Fried had made a short argument before the Justices that some people at the Court cited as a good point of departure for a discussion about the S.G.'s standing. The case was Bender v. Williamsport, and it dealt with the right of a group of high-school students to meet during a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

free period at school and pray in a club, called Petros. Bender drew attention because it was part of the series of divisive religion cases that had topped the Court's docket the previous term and was continuing. Attorney General Edwin Meese had discussed these cases at length in his speeches about constitutional law at the end of the term ("bizarre," he called the Court's decisions applying the Constitution's establishment clause), and his interest had influenced the government's position in Bender. When Fried rose to speak for five minutes as an amicus curiae, Justice Stevens immediately began to quiz him about problems of jurisdiction—the question of the Supreme Court's authority to consider the case. Fried's first answer was confusing.

"I am not sure of what your answer is," the Justice told him.

Fried tried again, and when Stevens began to correct him Fried cut him off. "On the jurisdictional point, Justice Stevens, we do discuss that on page five of our brief," he said. "It is fairly intricate."

The Solicitor General lingered on the last word, and then began his argument about accommodation of religion. Stevens heard him out, but at the end of Fried's speech he came back to the point that bothered him.

Stevens could not understand whether the case presented a true legal controversy for the Court to resolve. It was not clear to the Justice that John C. Youngman, Jr., who had pursued the appeal as a member of the school board and as a parent of a student, had shown how he or his son was harmed by the prayer meetings. To use Fried's word, the question was intricate, and it seemed that Fried was nervous or that he was not confident that he knew the answer or that from the vantage point of an amicus concerned with a lofty issue of constitutional law he thought that the Justice's preoccupation with this technicality was trivial—that the answer must exist somewhere in the case file.

Stevens asked, "But at the time the appeal was taken, what was the controversy? Who was fighting with whom? Was there any allegation that any non-Petros child was offended by these meetings?"

Fried replied, "Mr. Youngman, I believe, at that time was claiming on his behalf as a parent."

Stevens persisted, "Where in the record do you find that?"

Fried paused, and then said, "I cannot point you to the section of the record."

During this second exchange, Stevens took off his glasses, leaned over the bench to glower at Fried, and spoke in an increasingly agitated voice. Stevens does not have a naturally imposing presence, and he often seems grateful that lawyers before the Court are willing to help him and the other Justices solve the hard legal problems they consider. He normally addresses counsel in a respectful, easy-going manner. Now, however, he showed signs of anger at the S.G.'s unsupported assertion and his attempts to dodge the question.

During the summer before the case was argued, Stevens had joined three of his colleagues in an extraordinary dissent from the Court's decision to let

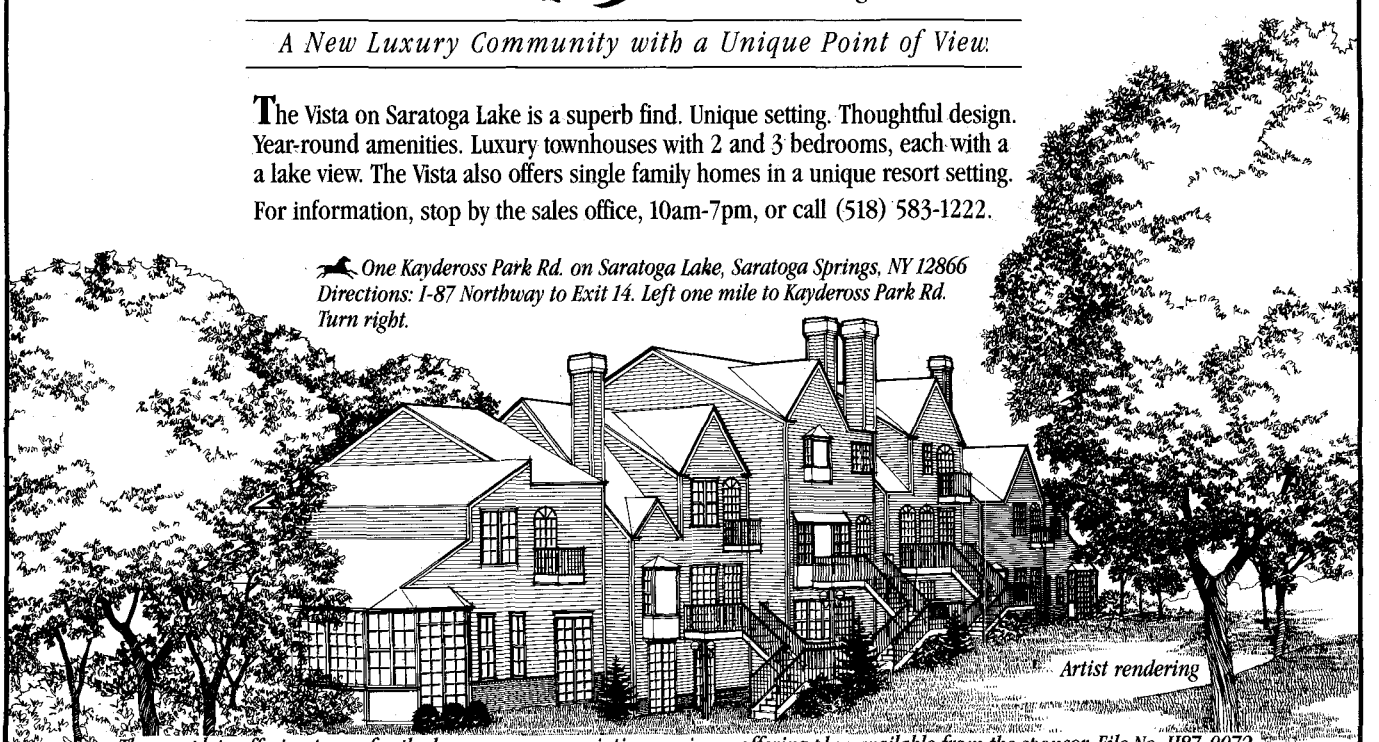
HOMES & ESTATES

the Vista on Saratoga Lake

A New Luxury Community with a Unique Point of View

The Vista on Saratoga Lake is a superb find. Unique setting. Thoughtful design. Year-round amenities. Luxury townhouses with 2 and 3 bedrooms, each with a a lake view. The Vista also offers single family homes in a unique resort setting. For information, stop by the sales office, 10am-7pm, or call (518) 583-1222.

One Kaydeross Park Rd. on Saratoga Lake, Saratoga Springs, NY 12866
Directions: I-87 Northway to Exit 14. Left one mile to Kaydeross Park Rd. Turn right.



Artist rendering

The complete offering terms for the homeowners association are in an offering plan available from the sponsor. File No. H87-0072.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"OTTAUQUECHEE FARM"
Near Woodstock, Vermont

Beautifully sited at the end of a half-mile drive and amidst more than 300 lush acres, this fine 1827 Colonial home features 5 working fireplaces, 6 bedrooms, 3½ baths and many details of early construction. The barn has recently been modernized to accommodate 13 box stalls and all the essentials for horse and animal lovers. There is long river frontage on two sides of the property, a caretaker/guest house, tennis court, pool and easy access to year 'round recreation. Fairly priced at $750,000.

BROOKS H. BARRON
REAL ESTATE

R.D. #1, Box 26A, Rochester, VT 05767 802-767-3398

SHEET HARBOUR, NOVA SCOTIA

Sixty miles east of Halifax and 1 mile off shore, 68 acre Rouches Island awaits a privacy lover. With 9,000 feet of shore front, tiny bunk house, miles of trails, ducks, fishing and sailing, $165,000 (U.S.) will buy you happiness. Owner/Broker.

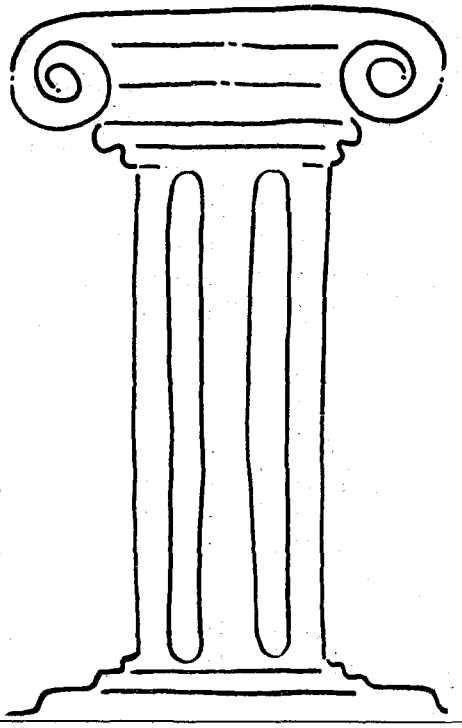
Brooks H. Barron Real Estate
R.D. #1, Box 26A, Rochester, VT 05767 802-767-3398

HOMES & ESTATES

is a biweekly feature in

THE NEW YORKER

For more information on advertising in this section, please call Laura Baumstein at (212) 840-3800 ext. 244



Announcing: Luxurious Country Villas In Historic Connecticut— Under $150,000

For Perhaps the Last Time in History

THE VILLAS • NORWICH INN & SPA •

Call 1-800-338-0649 now for a free information portfolio on this exciting opportunity.

According to New York Magazine (May 25, 1987), the Norwich, Connecticut area is one of *the last bastions of prime real estate opportunity within easy driving distance of New York City* (about two hours).

Nestled in the woods and hills of this prime area, Edward J. Safdie, international developer of luxury resorts and spas (including The Greenhouse in Texas and The California Terrace in Monaco) is creating The Villas at the Norwich Inn & Spa—elegantly furnished retreat homes that appeal both to your heart and your head.

The Romance

I can see you now...

You relax on your own private terrace to the cry of the whippoorwill...and consider your options for the weekend: tennis, golf, swimming, trout fishing, a workout in a world-class Spa, perhaps dinner in an absolutely superb restaurant... *and all this just a short stroll from your door.*

Perhaps you'll drive to historic, nearby towns like Mystic, Old Lyme, or Essex for antique hunting, beach combing or exploring.

Or perhaps you'll stay home and enjoy your fully furnished "country inn" style Villa—complete with wing-back chairs, chintz sofa, china and cutlery, French doors, fully equipped kitchen, a fireplace for winter evenings...and a view of the beautiful Norwich Golf Course.

The Rationale

At under $180,000 the Villas present a unique investment opportunity you may never see again (some Villas cost much less). And the value of your investment is richly enhanced by its proximity to the Norwich Inn & Spa—one of the most popular resorts in New England.

Indeed, when you're not using your Villa, you can make it available for rental—and that, of course, could make this investment look even better.

Could this be the right time for you to make a little investment history of your own? To get all the details, call now: 1-800-338-0649 and ask for our free information portfolio—without obligation.

FOR FREE INFORMATION PORTFOLIO CALL NOW:

1-800-338-0649 EXT. 16
OR **(203) 889-8010** EXT. 16

The Villas at the Norwich Inn & Spa
Route 32, Norwich, Connecticut 06360
Sales and Marketing by Studnicky & Co.

The complete offering terms are in an offering plan available from the sponsor.
This advertisement is not an offering in the states of New Jersey and Massachusetts.
Units for handicapped also available.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the S.G. argue in the Bender case as an amicus curiae. The senior deputy in the Court Clerk's office could not remember a similar dissent from any previous term. Stevens eventually wrote the Court's opinion dismissing the case on the same procedural grounds that Fried had been unprepared or unwilling to discuss in response to the Justice's questions.

"A lot of people up here thought Fried's performance in the Bender case was shocking," one Supreme Court law clerk said. "He came in with a little speech about freedom of religion, and would not answer Stevens' questions. He gave the impression that either he was a windbag or he was not telling the truth." Fried's performance in Bender was selected by some career lawyers in the S.G.'s office from the Supreme Court arguments, odd events, and amicus briefs submitted by the office in October as what they called the Embarrassment of the Month. It was the first of a string of incidents that earned this sobriquet during the 1985 term.

In a December case, Thornburg v. Gingles, Fried also argued for the government. In 1982, Congress amended the Voting Rights Act of 1965, which had let voters sue state governments for unfair districting, unfair registration, and other discriminatory election practices. With the help of the 1965 law, the percentage of blacks registered to vote in the South had almost doubled (from twenty-nine per cent to fifty-seven between 1965 and 1980), and the number of blacks holding office had increased from fewer than three hundred to more than twenty-four hundred. The Supreme Court had held that in order to win suits under the original law voters had to prove that legislators who set district lines intended to discriminate when they diluted the voting power of minorities. The voters could not rely simply on a showing that the effect of the district lines was to dilute minority votes. As a consequence of this ruling, Congress decided to amend the law. Led by William Bradford Reynolds, the Reagan Administration fought to have Congress retain the "intent" standard, on the ground that an effects test would require "proportional representation" and lead to "a quota system for electoral politics." In 1982, both the House and the Senate rejected the President's view and voted overwhelmingly (389–24 in the House, and 85–8 in the Senate) to amend the law so that it allowed voters to use an effects test in seeking fairer elections. Voters had to prove that the "results" of redistricting denied them an equal opportunity to choose the representatives they wanted.

The Gingles case arose in North Carolina, where several blacks challenged the state's redistricting plan for its General Assembly. A federal trial court found that the plan violated the new standard. The case was the first to test the 1982 amendment before the Justices, and it raised elementary legal questions: How should the Court interpret the new standard? What kind of evidence should it tell lower courts to rely on in making the judgment?

In the Supreme Court, Fried articulated views that were associated primarily with Edwin Meese and Bradford Reynolds. He argued that North Carolina blacks should get elected "the old-fashioned way—through politics." (This was an example of what a number of Supreme Court law clerks called a Fried snapper—one of the showy fillips of language or law that he regularly employed.) He agreed with the State of North Carolina that "results" meant "election outcomes." Because blacks had been elected to office, he said, the new districting scheme could not have impeded the rights of blacks to play a role in politics. Fried's presentation was skillful, and on the surface it was difficult to fault. But lawyers interested in the case—and to civil-rights lawyers, because it dealt with the right to vote, Gingles was as important as any case on the Court's docket—received no help from the S.G. on the central question. As longtime lawyers in the Civil Rights Division of the Justice Department put it, it was impossible to tell from the S.G.'s brief or from his argument how he thought the Supreme Court should interpret the amendment's new standard except to rule that the districts in North Carolina were legal. On the lawyer's issue, which a Solicitor General could be expected to see as the most significant in the case, and the one on which the Justices might most value his counsel, Fried was silent.

On the steps of the Supreme Court after the argument, Julius LeVonne Chambers, the director-counsel of the N.A.A.C.P. Legal Defense and Educational Fund, Inc., who argued against the Solicitor General, said that Gingles was the first case in his long career as a civil-rights lawyer in which he had faced the Solicitor General as "the enemy."

Months later, when Justice William Brennan handed down the Court's opinion on behalf of all his colleagues (though some filed separate opinions concurring or dissenting on peripheral questions) he essentially rejected the S.G.'s interpretation of the law. At forty-seven pages, the opinion was long. At least half of it was devoted to rebutting the Solicitor General's arguments, point by point. Rather than repudiating the Solicitor General because of a large disagreement on philosophy, the Court took care to identify and criticize the S.G.'s departures from standard practices of legal reasoning.

In January, February, and March of 1986, the roster of agenda cases on the Supreme Court's docket expanded from abortion, school prayer, voting rights, affirmative action, and other familiar topics to include medical treatment of handicapped infants, land-use regulation, the conflict between federal labor law and local regulation, school discipline, and the legality of an established doctrine called associational standing, which made it possible for an organization like the United Auto Workers or the Chamber of Commerce to sue on behalf of its members. The agenda now seemed to include almost anything of interest to a member of the Reagan (or, really, the Meese) team. Though the cases raised eyebrows for different reasons, they were all notorious among regular observers of the Supreme Court. And they continued to strengthen the concern that serious harm was being done to the S.G.'s office.

By late April, however, the Solicitor General was pleased with his performance on the job. He was enthusiastic about the lawyers he had appointed as deputies—Donald Ayer, the United States Attorney in Sacramento for the Eastern District of California; William Bryson, a special counsel in the Criminal Division of the Justice Department, and a onetime assistant to the S.G.; Louis Cohen, a partner in a Washington law firm; and Albert Lauber, an assistant to the S.G. (He appointed four because political deputy Carolyn Kuhl had also left the office.) His new team was in place, and he was happily immersed in the details of a case that commanded attention in and outside the Justice Department. It dealt with the constitutionality of the Balanced Budget and Emergency

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Deficit Control Act of 1985, widely known as the Gramm-Rudman Act. A panel of lower-court judges, in an opinion written by Antonin Scalia, then of the Court of Appeals for the District of Columbia Circuit, had ruled that the provision of the act calling for automatic budget cuts made the act unconstitutional. The judges found that by giving the authority of the executive branch to the Comptroller General, who works for Congress, the provision violated the Constitution's requirement for separation of powers between the branches of government.

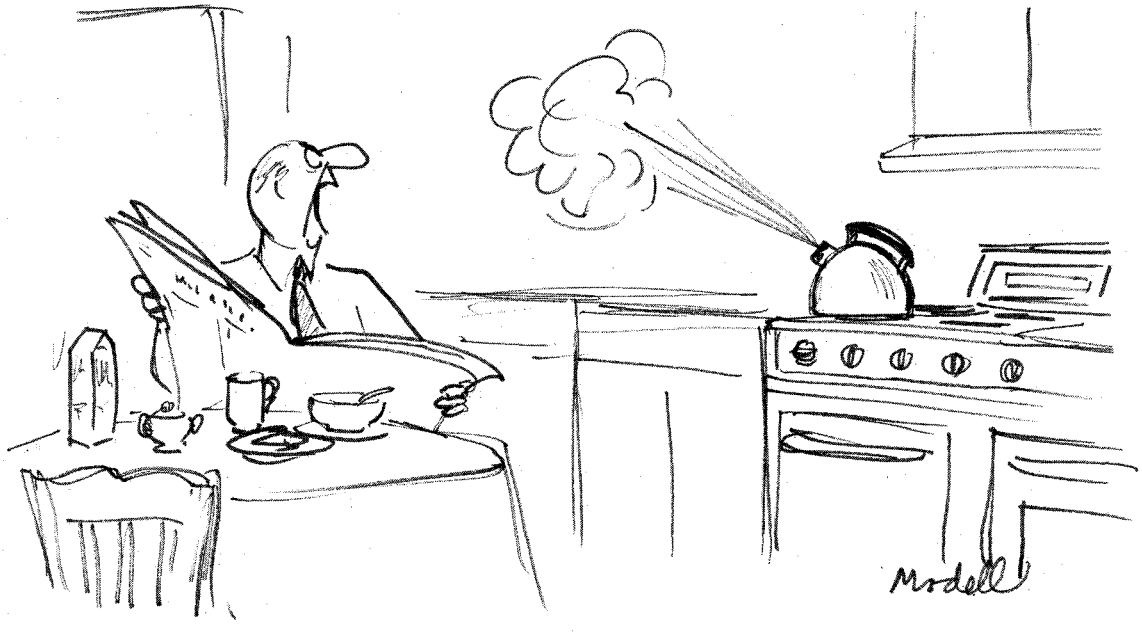
The Comptroller General's task under the Gramm-Rudman Act was to tell the executive branch how much it had to cut the federal budget in order to stay on schedule for eliminating the government's deficit. To insure his independence, the law setting up the General Accounting Office, which he heads, says he can be removed only by impeachment or by a joint resolution of Congress. Through the tenures of six comptrollers, none had come close to being removed.

This fact made the appeals court's ruling appear speculative and largely abstract, and the lower-court judges knew it. But in the judges' opinion it was illegal for the executive branch to delegate power to the Comptroller General, because, no matter how far-fetched the possibility appeared, he could be fired only by the legislative branch and thus was not an executive official.

In Fried's argument in the Gramm-Rudman case, which was his last of the term, he showed polish and admirable control; he supported the lower court's reasoning that the act was unconstitutional, which eventually prevailed, but he still drew the Justices into unusual exchanges. Early in his presentation, he tried to divorce himself from a contention he appeared to make in his brief—that all independent agencies (not just the provision affecting the Comptroller General in the case) might be unconstitutional. The Attorney General had pursued the subject in speeches, and it was widely understood to be an agenda item. Fried said, "I would like to say at the outset that this second argument does not in our view in any way cast any doubt on the validity of agencies such as the Federal Reserve Board, the Federal Trade Commission, or any such agencies, and that the notion that the second argument in some sense endangers those agencies or would embark this Court on some constitutional adventure is simply a scare which we don't intend to throw into the Court and I don't think need be thrown there." To Justice O'Connor, the idea expressed in the S.G.'s brief was "a novel doctrine," without precedent "in any of this Court's previous decisions." Drawing a nervous murmur from the courtroom gallery, she observed, "Well, Mr. Fried, I'll confess you scared me with it." When the Court decided the case, it did not endorse the doctrine suggested by the brief.

Fried's "novel" approach came up again when the Supreme Court finally ruled on the Pennsylvania abortion case. By five to four, the Justices upheld the right to abortion. The Court's majority opinion was written by Harry Blackmun. He recalled that three years before, in the Akron case, the Justices had reviewed state and local laws regulating abortion. "In Akron, the Court specifically reaffirmed Roe v. Wade," Blackmun stated, with some emphasis. "Again today, we reaffirm the general principles laid down in Roe and in Akron." The Justice attempted to clarify why a majority of the Court thought that the Constitution protects the right to abortion. "Our cases long have recognized that the Constitution embodies a promise that a certain private sphere of individual liberty will be kept largely beyond the reach of government," Blackmun noted. "That promise extends to women as well as to men. Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision—with the guidance of her physician and within the limits specified in Roe—whether to end her pregnancy. A woman's right to make that choice freely is fundamental. Any other result, in our view, would protect inadequately a central part of the sphere of liberty that our law guarantees equally to all."

Blackmun also corrected Fried's presentation of the case. The Solicitor General had asserted that the lower courts showed "unabashed hostility" to the attempts by states to regulate abortion. For a majority of the Court, Blackmun found that the hostility came from the states. "In the years since this Court's decision in Roe, States and municipalities have adopted a number of measures seemingly designed to prevent a woman, with the advice of her physician, from exercising her freedom of choice," the Justice observed. "The States are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies." Like the Court's comments in the voting-rights case, Blackmun's statement transcended the question before the



"All right already, take it easy!"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Court. A majority of the Justices were sufficiently concerned about the way the Solicitor General had argued for the Administration that they went out of their way to correct his presentation.

The Court's comments on the S.G.'s arguments during the 1985 term were prickly and virtually unprecedented, and they were restricted neither to cases that the S.G. lost nor to agenda cases. It was one thing for the Solicitor General to be chastised in cases where the sides could be easily identified as liberal and conservative. Charles Fried suggested as much when he dismissed as "nonsense" charges that his advocacy had hurt the standing of his office with the Court. That sort of talk came from people who were so strongly opposed to the Administration's views that they could not "bear" to have them stated, he said.

But rejections also occurred in cases not obviously on the President's social agenda. The opinions were written by Justices ranging from liberals (Brennan and Marshall), through centrists (Blackmun and Stevens) and moderate conservatives (Powell and O'Connor), to the Court's strongest conservative (Rehnquist). "The worst possible result of the aggressive Reagan policy would be for the Justices to take out their frustrations with the Administration's filings in agenda cases on regular government cases," one assistant to the S.G. concluded. This appeared to have happened by the close of the 1985 term.

In an opinion about the government's "secretive" policy to deny disabled people Social Security benefits, Justice Powell wrote for a unanimous Court. Although the government argued that it had properly handled the appeals at issue, Powell sternly disagreed. He declared that the people were entitled by law to a "fair and neutral" procedure, and that the government had not given it to them. "While 'hard' cases may arise, this is not one of them," Powell concluded in his opinion. Clerks and Justices at the Supreme Court spoke about the Social Security case as if it were another of Fried's forays on behalf of the Administration's agenda. In a sense, this proved how broadly the S.G.'s credibility had eroded. Fried, for his part, wrote the case off. "That was a standard government case," he said. "We got a client, the client's got a problem, and you do the best you can for your client. That struck me as a down-the-line case. I didn't even handle it. I let the career lawyers worry about the case." Fried may not have worried about it, but the Justices held him responsible for the government's position.

In a criminal case, the Court criticized the Solicitor General for making an argument that the Justices had "expressly rejected" when the government tried it a few years back. In a case dealing with attorneys' fees—an area of law in which the Supreme Court had recently adopted the government's position in most instances—four of the Justices ridiculed the S.G. They noted that the formula he had recommended for awarding fees in a civil-rights case would have inevitably yielded an unacceptably paltry amount to lawyers who had worked for years to vindicate the rights of the plaintiffs. The Court declared, "We reject the Solicitor General's suggestion that the prospect of working nearly 2,000 hours at a rate of $5.65 an hour, to be paid more than ten years after the work began, is 'likely to attract a substantial number of attorneys.' "

Even in a case in which the Justices ruled for the government, they corrected the S.G.'s argument on a technical doctrine known as equitable estoppel. Explaining his understanding of a legal point endorsed by the Court, Justice Stevens instructed, "The S.G. has argued, however, that the remedy ordered by the District Court was improper because it rested on an equitable estoppel theory. The Court today correctly—and unanimously—rejects this argument, thus answering the central question of law that prompted it to grant certiorari in a way that completely repudiates the submission of the Solicitor General."

Lawyers familiar with the case from their time at the S.G.'s office were concerned. "Of course we understand equitable estoppel, but that isn't the point," one said. "A year ago, a lot of the lawyers in the office didn't care what happened in the agenda cases, so long as the Court didn't confuse them with the government's traditional cases like this. Now the Court is doing that, and the office is suffering the consequences."

To some lawyers in the S.G.'s office, the Court's opinions indicated that it was time for a statement of contrition from Fried and other senior Administration officials. The Solicitor General did not make one. When he commented on his record after the 1985 term closed, he noted that he had won "a respectable seventy-one per cent" and predicted that "the clarity of our arguments" would help shape the law in the future even though the arguments had not won the Court's "triumphant embrace." Though the government's winning percentage had declined (in the 1984 term the government had won seventy-seven per cent of its cases, and that was the average winning percentage during Rex Lee's four years as Solicitor General), favorable holdings in uncontroversial cases about the workings of government assured Fried a large enough share of victories so that he seemed to feel comfortable reading the Court's high-profile opinions to find what he wanted.

After the voting-rights opinion was handed down, Fried declared that he was "very pleased" that the Court had not endorsed the principle of "proportional representation," but that principle had never been at issue in the case, because, as briefs for all parties and the Court's opinion made clear, it was specifically excluded by Congress from the statute in question. Following three major affirmative-action cases in which the Court rejected the Administration's reasoning, the Solicitor General explained the Court's opinions this way: "I think what they said is that while we feel using discrimination to get rid of discrimination is something you must never do, they said, 'No, not never, but hardly ever.' " The Court had said nothing like that. "To summarize our holding today," Justice Brennan wrote in the case of Local 28 of the Sheet Metal Workers' International Association v. the Equal Employment Opportunity Commission, "six Members of the Court agree that a district court may, in appropriate circumstances, order preferential relief benefitting individuals who are not the actual victims of discrimination as a remedy for violations of Title VII" of the 1964 Civil Rights Act. The Justice offered explicit directions on how to read the holding so that no government official would do what Bradford Reynolds had done two years before, when he took a narrow decision and read it broadly as the basis for an attack by the Administration on affirmative action, but Fried did not heed the Justice. The complexity of the Court's opinions on affirmative action gave Fried ample

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ground for asserting that the Justices had been cautious in their judgments, but instead he pulled from the decision a strict limitation that simply wasn't there.

Nor was this as far as Fried went to put his advocacy in the best light. He repeatedly stated that in Bowers v. Hardwick, upholding a Georgia law that made oral and anal sex between consenting adults a criminal offense, the Supreme Court had used the same reasoning he himself offered in the term's abortion case. Fried said that the argument the Justices had adopted was that the Court should not "invent rights," and he called this "the most dramatic example" of his salutary influence on the Court. (Attorney General Meese embellished the Solicitor General's line by calling the Court's decision to uphold the anti-sodomy law the Administration's biggest victory of the term.) This claim of Fried's astonished former and current lawyers in the S.G.'s office. In the first place, Bowers was a case in which the government had not participated. In the second place, a reading of the opinions gave no reason to believe that any of the Justices, whether in the majority or in dissent, had actually relied on the Solicitor General's abortion-brief reasoning that rights should not be "invented."

Finally, to the extent that the S.G.'s argument in the abortion case had any similarity to the holding of the majority in the sodomy case, it was like an argument that several Justices on the Court had been making for many years, and certainly did not reflect a novel contribution by the S.G. In fact, as one of Fried's deputies reminded him, the Justices in the majority in the sodomy case did precisely what the S.G. had advised against in other cases when they read into the state law a distinction between homosexuals and heterosexuals that the law itself did not make, to uphold the law's application to homosexuals. The S.G. had no basis for taking credit for the Court's reasoning either way, and even one of his unshakable defenders in the S.G.'s office admitted that Fried had engaged in "puffery" by doing so. Another lawyer in the office explained, "We got a run of bad decisions, so that was a pretty bleak period for us. Charles meant to cheer the place up."

Fried's habit of representing Court opinions to be as he wanted them understood, and not as they were written, was related to a theme of the Court's criticism of him as Solicitor General—serious concern about his recurrent departures from settled practices of legal reasoning, in order to press for results favored by the Administration. Burt Neuborne, a professor at the New York University School of Law, who was then legal director for the American Civil Liberties Union, said that Fried had "demoted the Solicitor General's office to our level, the level of an ideological interest group, a salesman for a partisan line just like the A.C.L.U. is." But the Court's criticism went deeper. The pretense that the law is a system of scientifically applied rules was abandoned in the nineteen-thirties, yet lawyers still agree on certain principles in reading cases and statutes. One of the most basic, as Fried himself frequently stated, was to begin with the text of a decision or a law to understand its meaning. Fried seemed not to do this when it did not suit his purpose. Not long after decisions were issued in two cases on the Reagan agenda (they were on it not because they were obviously part of the President's social program but because someone in the Justice Department had added them to the list), Fried was asked what he thought of the rulings. In each instance, a Justice—one representing the Court's right flank and the other the left—had, in writing the majority opinion, rejected a theory supported by the Solicitor General.

"I'm gratified that Justice Rehnquist recognized the middle ground we carved out," Fried said about the first case, which concerned sexual harassment. The main question before the Court had been: When should a company be liable to one of its employees for harassment by another employee? The Solicitor General had argued that unless someone let the employer know about an incident of sexual harassment (for example, by filing charges) the company could protect itself from liability simply by declaring its opposition to harassment and setting up a grievance procedure. The Supreme Court had declined to rule on the question of liability. (The factual record in the case was not clear enough.) But Justice Rehnquist, in his opinion for the Court, rejected "petitioner's view"—and the S.G.'s—"that the mere existence of a grievance procedure and a policy against discrimination, coupled with respondent's failure to invoke that procedure, must insulate petitioner from liability." When Fried

Shhhhh
hhhhh.

The $55
Tuscany weekend
is back.

Amazingly, we're still one of New York's best-kept secrets. A small, luxury hotel located on a charming, tree-lined Murray Hill street. Our weekend package includes continental breakfast, free parking, complimentary N.Y. Times or N.Y. Sunday Times and, of course, our celebrated personal service. All at a rate you'll want to celebrate. Quietly.

CORAL TUSCANY HOTEL
120 East 39th Street, East of Park Avenue
New York 10016 • 212-686-1600
Toll-free: 800-847-4078. Telex: 640243
Rate: per person, double occupancy daily.
Friday, Saturday or Sunday arrival. Tax additional.
Offer limited & based on availability.
Price subject to change.

Our original handmade Southwestern furniture is uniquely suited to a variety of interiors and offices, contemporary or traditional. Interesting catalog, $3.00: Taos Furniture, Dept. D, 232 Galisteo, Santa Fe, New Mexico USA 87501.

TAOS® Furniture

LUXURIOUS BLANKETS,
Throws, etc.
Sleep or relax - surrounded by nature's purest, softest fibers: Cashmere, Silk, Llama-Alpaca, Camel and more. Made in W. Germany. Blankets start at $225. Write or call for free brochure:
(404) 474-1611 or 1-800-426-5339

NAME
STREET
CITY STATE ZIP

AMERICAN EXPRESS MasterCard VISA
Checks Accepted
187-5

Nagold Valley Inc.
P.O. Box 1768
Jonesboro, GA 30237

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was asked about this apparent rejection, he replied, "Isn't it nice we can go to the written record, and let the words decide for us?" While the Court may have "recognized the middle ground," its rejection of that position was as plain as words could make it.

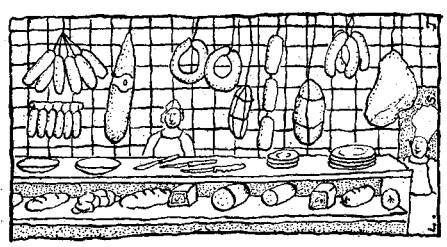
Fried's second mischaracterization dealt with the Court's dismissal of the Solicitor General's request that the Justices overrule a precedent giving groups like the United Auto Workers the authority to represent their members in court under the doctrine of associational standing. "Well, I couldn't have been happier with the treatment the Court gave us," Fried said. "Read the Marshall opinion. He said, 'We are not prepared to dismiss the government's argument out of hand.' That was a very respectful thing to say."

If some, with Fried, may have found respect in this single remark of Marshall's, which Fried paraphrased, no one could find that quality in Marshall's complete statement. It closed with "The Secretary"—by proxy, the Solicitor General—"has given us absolutely no reason to doubt the ability of the UAW to proceed here on behalf of its aggrieved members, and his presentation has fallen far short of meeting the heavy burden of persuading us to abandon settled principles of associational standing."

By the end of the term, the record showed that the Solicitor General's victories were less grand than he claimed, that his losses were more emphatic and more severe, and that, in general, the opinions of the Court rejected the arguments of the Solicitor General more often than they had at any other time in history. Coming from a moderately conservative Court, these judgments were all the more indelible.

TOWARD the end of the 1985 term, a young lawyer who had recently clerked for a Justice remarked that the question about Charles Fried was not whether his advocacy had diminished the standing of the S.G.'s office before the Court but how much he had aggravated a problem that started before his arrival. "Every year, the law clerks from each chamber of the Supreme Court have lunch with each of the Justices," the former clerk said. "Invariably, during the past few years, the subject of the S.G.'s office has come up. The impression the clerks get is that the Justices feel they can no longer trust the S.G.'s office as they once did. While the briefs dealing with the merits of cases on the Reagan agenda are one thing, the skepticism has spilled over into other sorts of filings. In some cases, clerks found that the S.G.'s statements carried the stamp of a sharp-edged advocate more than that of a dispassionate scholar. There were definitely papers that were less honest about the facts and case citations than they should have been. In order to dissuade the Court from taking a case, for example, a petition opposing certiorari would downplay conflicts in the circuit courts and claim support for its argument which existed only weakly in the cases the S.G.'s office cited. On the whole, the office continued to file good briefs and to make more polished and confident arguments than other lawyers. But from the Court's point of view the politicization of the S.G.'s office marked an important change. In the past, the Justices had counted on the S.G. as a kind of partner, an officer of the Court whose inclusion in the list of officials at the front of every volume of the *United States Reports* symbolized his special duty and loyalty. By filing amicus briefs in cases where the federal interest was attenuated, or by asking the Court to overturn recently reaffirmed precedent, or by attacking landmark holdings, the S.G. turned himself into a partisan before the Court and a kind of adversary of the Court itself. This was a major topic of conversation at the Court. It was significant, because it determined how the clerks and the Justices first looked at material from the S.G.'s office, and it was clear that the Court didn't trust the S.G.'s office the way it used to."

It would not have been surprising if observers' opinions about Fried conformed to their views about the desirability of the results he sought—if liberal law clerks were his biggest critics, conservative clerks his boosters, and moderates somewhere in between. Since liberal Justices do not necessarily hire liberal clerks, or conservative Justices conservative clerks, there was no foolproof way to test this theory, but when, at the end of the 1985 term, law clerks from each of the nine chambers agreed to be interviewed, as long as they were not identified by name, the results *were* surprising.



Except for one clerk, who was known by others for his devotion to the Federalist Society for Law (a meeting ground for rising and established members of the Reagan right), and who chose not to speak, asserting that "most of the clerks up here are very liberal and aren't likely to give the Solicitor General a fair shake," every clerk interviewed said that Charles Fried had pushed the Administration's political agenda more aggressively than any S.G. they had heard about from the Justices and prior law clerks. Two clerks praised the S.G.'s office, saying that, for all Fried's excesses ("He is definitely a maniac," one said, in an obvious overstatement: "Even staunch Republicans tell lawyers thinking about government service not to go near the Justice Department or the S.G.'s office, because they are now bastions of extremism"), the Court paid little attention to the Administration's rhetoric and found little reason to fault the craftsmanship of most of the S.G.'s work. One clerk—discounting the notion of a special role for the Solicitor, as if anyone familiar with the law realized that the days of dispassionate advocacy were long past—said that the S.G.'s work met the highest standard for lawyers urging a hard line on the Justices.

But the majority of the clerks, who described themselves as moderate conservatives, moderates, and liberals, gave many reasons to conclude that the reputation of the Solicitor General at the Court had slipped dramatically during the 1985 term. From all nine chambers, and from very different political viewpoints, they accused him, or the office under his command, of bad lawyering, intemperance, deceit, arrogance, extreme partisanship, and disgracing a long, great tradition. The language they used often seemed exaggerated, but a clerk who described himself as a moderate conservative commented, "A guy gets up there and he flaps his arms like a duck and he quacks like a duck, what do you think of his work? He claims, 'This contravenes all notions of legal history,' or says, 'This contradicts known principles of law.' The Justices aren't idiots, and neither are the clerks. They know what he claims is often hyperbole. It just rolls off his tongue, and sounds like a lot of rot. He's the one who uses

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strong language without cause." Another clerk said more succinctly about Fried's advocacy, "My government lies to me. My government *lies* to me!"

The clerks also offered wide agreement about a concrete measure of the erosion in the S.G.'s influence at the Court. A principal chore of the Solicitor's office is to help the Supreme Court set its docket by screening petitions for writs of certiorari. In the 1985 term, parties from around the country filed three thousand eight hundred and seventy-six cert. petitions; the Court granted only a hundred and forty-six of them. As in previous terms, the task of winnowing out about ninety-six per cent of the petitions was tedious but important. No other party came close to matching the Solicitor General's record of success with cert. petitions. The government derailed some cases on their way to the Court by opposing petitions from other parties; it boosted the chances of other petitions by joining them at the request of the parties submitting them; and, while only a tiny fraction of petitions from any other party succeeded, the S.G.'s office persuaded the Court to take an extraordinary share—about eighty-three per cent—of its own petitions.

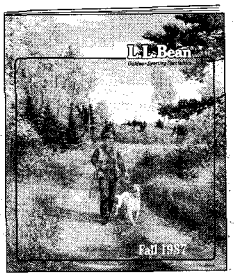
The rate of success in the 1985 term was slightly higher than during Rex Lee's last term as Solicitor, when the Court granted eighty per cent of the government's petitions. But while the government filed about the same number of amicus briefs that it had filed in each of the four previous terms to support petitions from other parties, the Court granted only fifty-seven per cent of these petitions, as opposed to the eighty per cent it had accepted on average during each of the four previous terms. This fact suggested that while the S.G. continued to affect the Supreme Court docket through its cert. petitions, Charles Fried had pressed the Administration's agenda at the cert. stage more aggressively than Rex Lee, and certainly more than previous S.G.s, who rarely entered cases at the cert. stage as an amicus.

Fried appeared to have paid a price for it. In most chambers, reading and thinking about cert. petitions is a job that the Justices share with their clerks. The chambers of Justices Brennan, Marshall, and Stevens handle petitions independently, but during the 1985 term and earlier the six other Justices decided which petitions to grant by forming a pool of all their law clerks—a total of about twenty-five—assigning one clerk to write a pool memo about each petition, and basing their individual votes largely on information provided by the pool memo. The clerks in the pool thus had legitimate firsthand views concerning the petitions, since they had a significant hand in helping the Justices rule on them.

One law clerk: "The S.G.'s cert. petitions cause law clerks a lot of consternation. When the Court sees 'The United States' at the top of a petition, it tends to be especially interested. The Court respects the government. When you're up here, you assume that the United States knows when not to bring a case to the Court. That's one of the main purposes of the S.G.'s office—to determine which cases to bring to the Court's attention. The problem is that a lot of the petitions the Court now gets from the S.G. aren't what the Justices expect. As a law clerk, you go over them with a fine-tooth comb, because the petitions don't cite cases and they make huge assertions that don't always stand up. A whole lot of cert. memos now begin with phrases like 'It's puzzling why the S.G. is bringing this petition.' You see that language quite often. The Supreme Court grants cert. if four Justices vote in favor of hearing a case, and on the 1985 Court there were three Justices—Burger, Rehnquist, and White—who used to give the S.G. the benefit of the doubt and were usually inclined to vote for his petitions. But now clerks often suggest, 'We know you want to hear cases the government says to, but not this one.' When the year started out, sometimes there wasn't a fourth vote. Now, though there are no official statistics kept on this, sometimes the S.G. gets none at all."

Another clerk: "The clerks resent Fried, in part, because he makes our job harder. We don't trust the S.G.'s submissions the way previous law clerks told us they did. That's no big deal, really. We're supposed to be here to do legal research. But the people who do the work for the highest court in the judicial branch of government can use the S.G.'s help. Nine Justices, thirty-three law clerks, sixteen secretaries, the people in the clerk's office, the messengers, the library staff—it's not very many. It matters that the S.G. is less trustworthy, because the Court tends to get a less balanced picture of the law and the facts than it

L.L.Bean®
Outdoor Sporting Specialties



FREE Fall Catalog

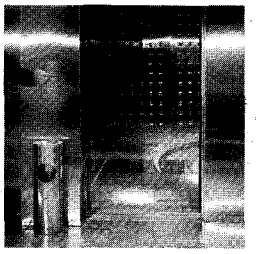
Features quality active and casual apparel and footwear for men and women who enjoy the outdoors. Hiking, camping, hunting and winter sports equipment. Luggage, bedding and furnishings for home and camp. Many items of our own manufacture. All honestly described and fully guaranteed to give 100% satisfaction. Our 75th year of providing dependable mail order service. **We pay all regular shipping and handling charges and offer toll-free telephone services.**

☐ **Send FREE Fall Catalog**

Name_____
Address_____
City_____
State_____ Zip_____

L. L. Bean, Inc.
843 Casco St., Freeport, ME 04033

Spend the night in Europe in San Francisco



Hotel Diva
440 Geary on Union Square
San Francisco, CA 94102 415.885.0200
Reservations 800.553.1900 From $95

★★★-*The New York Times*
An Elegant Country Inn
The charm of New England just 45 minutes from Manhattan.
Superlative French cuisine . . .
23 of the loveliest guestrooms anywhere.
THE HOMESTEAD INN
420 Field Point Road
Greenwich, Connecticut
(203) 869-7500

Featured in *Country Inns and Back Roads*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

expects. The S.G. used to play a valuable role in processing information about the impact on the law of a possible holding, but that's been changed. Now he omits key cases—and in the law that is a form of dishonesty—or he sneaks around precedents. This is not just a bureaucratic squabble. It's a break with a long tradition."

A third clerk: "As a little kid, I actually wanted to be a lawyer. The first time I saw a picture of the Solicitor General on the steps of the Supreme Court, I thought, That's great. I aspire to that kind of integrity. When I got a little older, I read about the office, and it measured up. I wanted to go there. Now it's over. This isn't something I want to be part of. It's tainted. The office doesn't seem to be a place where integrity reigns. It might change, but not for a long while."

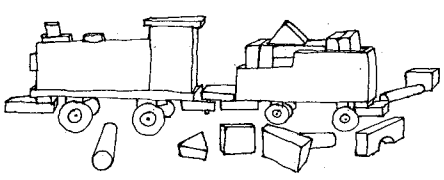
When Fried was asked about the government's cert. submissions during his tenure, he said, "You make an assertion in a cert. petition, and not an argument, so you want to be especially sure you're confident about what you say in it. I will never stretch a point about a conflict between the circuits. I will never say something is important to the government if it's not. I don't think our record this year is any different from the past. On the whole, I think we do a fine job. On that, I would be very distressed if I learned otherwise, because with cert. petitions I am trying to be the faithful servant of the Court."

ALTHOUGH many lawyers deduced a tie between the changes in the S.G.'s office and the Court's apparently negative response to the S.G., few could show a direct link. It was members of the Court who offered the evidence. By the end of the 1985 term, the Justices had observed an average of five S.G.s, and had more experience together as a panel than any other set of Justices in history, so they could provide well-informed views. One Justice decided that the topic was "a sensitive one"—and "too sensitive" for him to discuss—and one did not break his policy of not granting interviews to talk about Court business, but other Justices were willing to address the subject of the S.G. One Justice observed that the S.G.'s standing as an advocate was still relatively high, especially among members of the Court's right flank. "His writing always has influence," this Justice said. "Chief Justice Burger, Justice O'Connor, Justice Rehnquist—they've always been interested in what the present S.G. says, and gain support from his briefs for positions they want to espouse." Another Justice treated the changes in the S.G.'s office as a faint bureaucratic rumbling in the Justice Department, barely audible on Capitol Hill, where the Supreme Court sits. Focussing on the institution instead of the man, this Justice said that the Court's high respect for the S.G. continued as usual.

Other Justices acknowledged a decline in the standing of the Solicitor General, and spoke in detail about their own views on the topic and those of their colleagues. According to these Justices, the expressions of concern and disapproval in the Court's opinions gave only a hint of the sadness and distress that at least a majority of the Justices (Brennan, Marshall, Blackmun, Powell, and Stevens, four of whom were appointed by Republicans) felt about the changes in the role of the Solicitor General. Interviews with law clerks and other close observers of the Court also indicated that each of the four other Justices was sometimes put off by the S.G.'s advocacy, because the S.G. had been too aggressive (O'Connor), too supercilious (White), or too willing to be a spokesman for the "reactionary" Reagan Administration (Burger).

While Rehnquist was the only Justice who had suggested he was skeptical that the S.G. has a dual responsibility to the executive branch and to the Court (to him the S.G. is above all an advocate for the executive branch rather than the Tenth Justice), he, too, was apparently critical of the role Fried was playing. The Justice was asked whether he agreed with Rex Lee's statement that the S.G. should not be a Pamphleteer General, and he replied, "That's exactly right."

"Charles Fried is a different type of Solicitor General," one Justice said. "I'm a little biased, I suppose. I think that Archibald Cox and Erwin Griswold got it right. They thought they had a basic responsibility to the Court as well as to the Administration, and they were not the political voice of the executive branch. They thought they had to say no on occasion, and the Court had confidence in them. Generally, until recent years, I've always welcomed any filing by the Solicitor General. Now the clerks tell me consistently that you can't trust the S.G. about the facts or the law the way you'd like, and I rely on their judgment. So we pause a bit longer in granting cert. just because the government says to, and we may grant a lot fewer. I had always tended to apply the word 'integrity' to the S.G.'s office. There was always an honest presentation made. When they took a position, even in the big policy cases, they were always straight on the law. I sense that there's less of that now. I've felt that I've had to watch for political overtones, as I didn't from Wade McCree or other recent S.G.s. Of course, the S.G. has taken a beating for it, more than in any term I can remember. We're saying to him, 'Don't do this. You're going too far.' But if a couple of us old goats fall over we'll be replaced—and who knows what will happen?"



Another Justice had been willing to speak the year before as well, and the turn in his opinions was conspicuous. At the close of the 1984 term, he had offered what he felt was a realistic view. "I don't criticize the S.G. for changing his views about policy matters from Administration to Administration," he had declared. "The Solicitor General is the government's attorney. I regret the shift that the S.G.'s office was forced to make in the Bob Jones case, but it was not out of the question. There have to be some responsibilities on political grounds. Either the S.G. represents the Administration or he quits."

A year later, the Justice's tone had changed markedly. He was angry. He said, "I'm quite surprised that Charles Fried has departed so far from the standard that Rex Lee strove for, which is the standard that has governed most of the S.G.s since I've been here. While they were all very loyal to the Administration, they drew some lines. No one has ever gone as far as Fried. I get the impression that on abortion, affirmative action, and a whole range of other subjects he's gone way out of his way to support the point of view of the Administration. On a lot of them he has to know he faces an uphill climb to persuade us that the Administration is right. In a number of cases, we've already said rather definitely how we feel about them. In abortion, Justice Powell said only a few years ago, in the Akron

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

case, what the Court thinks. But Fried came at us with the recommendation that we reverse ourselves as if it were customary to do that. And in affirmative action he has persisted in reading into the Court's opinions ideas that our writings won't bear. It's hardly the mark of a reasoned approach to the law. It's ideology, pure and simple. It's an assault on settled practices. That's the thing that has distressed me most about it.

"I look at things from the S.G.'s office a lot more closely than I felt I had to in the days of anyone else. I scrutinize the cert. petitions more than I used to. Not that I don't think the government makes a case that we should grant its cert. petitions more often than we do for any other petitioner, but I don't give them the same benefit of the doubt I used to, and I have to spend more time combing through their work. Now I don't have the feeling that every case is presented squarely. I'm not even sure in some cases that the facts are accurate. In the past, I didn't have that uneasy feeling about the S.G., but today I do.

"There's no question we've taken this S.G. to task in our opinions more than any of his recent predecessors. What we're saying to him and the other people in the Justice Department is simple: 'Listen, you guys, you're just dead wrong. This is an abdication of your responsibility.' The notion that the S.G. has no obligation to help the Court is an outrage. You might as well let the rest of the government argue its own cases. What good is the S.G.?

"The thing of it is, Fried hasn't learned a thing. He's really been boasting that he has an obligation to press on the Court the Administration's view. In the context of the traditional role of the S.G.'s office, this is revolutionary. And he has persistently misstated what the Court has held in various opinions this term. His suggestion that we had accepted the basic premise of the Administration except for a couple of wrinkles in the affirmative-action cases is irresponsible."

The Justice concluded, "Fried clerked for Justice Harlan, you know. Harlan had enormous respect for the S.G.'s office, and if he were alive to see this he'd be just as disappointed as some of the rest of us."

"Could you walk a little faster, buddy? This is New York."

• •

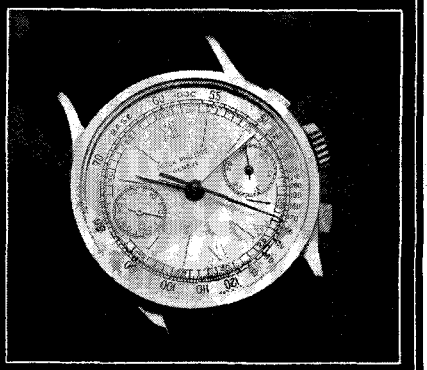
NOT long before the close of the 1985 term, Warren Burger unexpectedly announced his resignation as Chief Justice of the United States, and Ronald Reagan selected William Rehnquist to succeed him. The President chose Antonin Scalia to take Rehnquist's place as a Justice. Though the appointments did not change the number of Justices who were likely to support the Administration's arguments before the Court, as seems likely to happen if Robert Bork is confirmed, they supplied an exclamation point to the term. The end of the Burger Court prompted its students to compile some statistics about the era.

In each term from 1801 to 1900, the average number of Supreme Court cases decided by a bare majority was one. During Warren Burger's tenure as Chief Justice, from the 1969 term through the 1985 term, the Court decided more cases by a plurality (a group whose opinion presents the decision of the court without commanding five votes) than ever before in its history, and in the 1985 term one-quarter of the Court's cases, which totalled one hundred and fifty-one, were decided by a bare majority of five to four. Throughout the history of the Court, the Justices had overturned their own precedents a hundred and eighty-four times. Since 1950, they had overturned precedents ninety-eight times, or more than half the total. The Warren Court is widely thought of as reaching a high-water mark of judicial activism, but, according to the Library of Congress, the Burger Court overturned precedents more often than the Warren Court (fifty to forty-six), struck down more acts of Congress (thirty-one to twenty-one), and overturned more state laws (two hundred and eighty-eight to a hundred and fifty), and otherwise appeared to exercise its power to review the actions of government more actively than the Warren Court had—and, therefore, than any previous Court had. Since the Burger Court decided about fifteen per cent more cases than the Warren Court, the absolute figures are less conclusive than they appear, but they are still significant as signs of evolution.

As the Supreme Court's work shifted from resolving common-law questions of torts, property, and contracts (in the nineteenth century) to interpreting statutes and ruling on the meaning of the Constitution (during the twentieth), these numbers suggest, the Justices became increasingly divided on the substance of the law. During the past generation, when the number of cases dealing with impor-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

VINTAGE WRISTWATCHES



TIMELESS DESIGN. One of the most desirable wristwatches in the world—the Patek Philippe chronograph, circa 1950, in 18K pink gold with 30 minute and seconds registers. $13,500. From our collection of fully guaranteed-to-work vintage watches.

CALL OR WRITE FOR OUR WRISTWATCH CATALOG

AARON FABER GALLERY

666 FIFTH AVENUE (ENT. ON 53RD ST.)
NEW YORK, NY 10019 212-586-8411
TELEPHONE ORDERS WELCOME
MAJOR CREDIT CARDS ACCEPTED
EXPERT REPAIRS AND RESTORATIONS

INCOMPARABLE

Lantana COLONY CLUB

Lantana Colony Club is Bermuda at its best: Tennis, beach, sailing and Robert Trent Jones golf nearby – all wrapped in a mid-Atlantic garden setting. Cuisine and service at a World Class level complete the picture.

See your trusted travel agent or call Lantana direct at 1-800-468-3733. Brochure available. P.O. Box SB90, Sandys 9-20 Bermuda

A member of the Bermuda Collection

GALAPAGOS

You, 9 others and our licensed naturalist will sail by yacht to explore more islands than any other Galapagos adventure. 44 trip dates. Machu Picchu option.
FREE BROCHURE
INCA FLOATS 415-435-4622
1606Y Juanita, Tiburon, CA 94920

Exclusive Vacation Home Rentals
Martha's Vineyard Vacation Rentals
617 693-4111
Box 1769N, Vineyard Haven, MA 02568

tant social policies like school desegregation and affirmative action rose considerably, the Court gradually exchanged a bold liberal outlook for a cautious conservative one, and as the quest for neutral principles by which to decide these disputes failed, the Justices settled for what Vincent Blasi, a professor at the Columbia Law School, called "a rootless activism." In cases dealing with abortion, school prayer, and the rights of criminal suspects—principal items on the Reagan social agenda—Court decisions seen from afar as broad legal pronouncements appeared from close up to reveal an intense struggle among the nine Justices to agree on doctrine that expressed the most subjective human judgments.

The instability resulting from this struggle was underscored in 1986 by the Court's ruling in Bowers v. Hardwick, upholding the Georgia law that made a crime of oral and anal sex between consenting adults. Justice Blackmun argued in dissent that the Constitution's concept of liberty includes a right of privacy requiring protection of intimacy among homosexuals as well as heterosexuals, and that the law should be struck down. For a five-to-four majority, Justice White dismissed that view ("We do not agree," he announced), and described one of the claims for the protection of privacy made by counsel as "at best, facetious." Soon afterward, Justice Lewis Powell confirmed a report by the Washington *Post* that he had planned to vote with Blackmun but, because he thought the case was not the best on which to base a judgment about such a deep question of constitutional law, had switched sides to join White. As a result of this shift, instead of extending to homosexuals the full protection of the Constitution the Court appeared to assent to an effort to push them to the margins of society. "This was the most exhausting term of any since I've been on the Court," Blackmun said, with a sigh, at the end of his sixteenth term on the Supreme Court, and he attributed the exhaustion to bickering and arm-twisting on cases like this.

The Court's rightward drift occurred in a period of bitter and widespread political controversy about the law in general, as the extraordinary antagonism during the current buildup toward the hearings about the Bork nomination emphasizes. Although most of the disagreement focussed on the federal courts, Americans expressed their disagreements about social issues by making the elections for judgeships in the forty states that held such elections more and more hotly contested affairs. Rose Bird, the former chief justice of the California Supreme Court, was reëlected with only fifty-two per cent of the vote in 1978, and in 1986 she was removed by a two-to-one margin through the vigorous efforts of conservative critics and others. While her unqualified opposition to the death penalty marked her as a liberal, she said, "It doesn't make any difference if the court is liberal, conservative, or somewhere in between. What [voters] want is somebody who will do exactly what they want on particular issues, so that when they push a button you salivate on signal. They want a Pavlovian justice." A majority of the American people appeared to want the same thing, according to a 1986 NBC News poll. A representative sample decided that the Chief Justice of the United States should be elected, too, and overlooked the value of having the nation's highest judge be above politics.

There are many reasons for these developments, but one of the most dominant in the Reagan years was the encouragement by the President himself of a partisan and divisive view of the law. His recurrent commentary on abortion provides a good example. When members of the right-to-life movement send roses to members of Congress and of the Supreme Court each year to protest the Roe v. Wade decision on its anniversary, and then gather on the Ellipse behind the White House for a rally, the President offers words of solidarity. When members of the movement gathered for the funeral of sixteen thousand aborted fetuses one year, he sent his condolences. One of Reagan's comments on abortion was "I don't feel that I'm trying to do something that is taking a privilege away from womanhood, because I don't think that womanhood should be considering murder a privilege." Through the eighties, as the number of bombings at abortion clinics rose he did little to discourage such tactics, and continued to pledge himself to the pro-life and anti-abortion movement.

In 1986, a pro-life clergyman publicly called for a prayer for the death of Justice William Brennan as part of the answer to the country's abortion problem. He reasoned that Brennan's passing would allow the President to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

appoint a pro-life Justice to the Supreme Court, and shift its balance to achieve a majority ruling against the right to abortion. Brennan became a renewed focus of pro-life criticism after Attorney General Edwin Meese singled him out. (Justice Blackmun wrote the majority opinion in Roe v. Wade, and was the obvious target of such an attack, as he recently became.) It was hard not to see a chain linking the President's encouragement of the pro-life movement, Meese's criticism of Brennan as the symbol of the kind of judicial activism that led to the landmark decision on abortion, and the "prayer" of the clergyman.

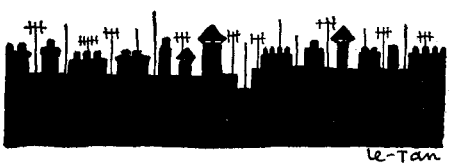
The President's confusion of the law with his own moral and social agenda was often repeated by the Justice Department under Meese. Again and again, in situations where the Administration's desired social policy required it to make a choice between conflicting values, whether the subject was pornography, AIDS, the rights of criminal suspects, or some other item on the President's expanding agenda, the Reagan Administration chose not to follow established legal practices in presenting its position. It read cases, construed statutes, and represented both trial records and legislative history in radically unorthodox ways, and the Solicitor General sometimes did so for the President.

Was it inevitable that the Solicitor General would become a partisan advocate for the Administration in power if the law was increasingly seen as no more than an instrument of politics and so much of the Supreme Court's docket now deals with the legal aspects of social policy? In these circumstances, shouldn't an Administration's election to office entitle it to have arguments carried directly to the Court, without being filtered by an obscure office of civil servants? How can the S.G. expect to fulfill a dual responsibility to the Court and the executive branch when neither can claim to apply neutral legal principles?

One of the hallmarks of legal scholarship in the Reagan era is political polarization. It has become difficult for a young law professor to avoid choosing one or another of the movements in the law that correspond to the political far left or far right. Even if a gifted legal scholar chooses to do old-fashioned doctrinal analysis, to scrutinize cases for insightful new principles that transcend politics, he risks having his work considered trivial or anachronistic. As a balance to the movement on the right called Law and Economics, which holds that the conservative, free-market economics promoted by Adam Smith and current followers of his, like Milton Friedman, tell best how people behave under law, and prescribe what the law should be, and which is favored by some influential lawyers in the Reagan Administration, a movement called Critical Legal Studies sprang up on the left. A basic premise of C.L.S., as it is known, is that the law is ultimately defined less by abstract principles than by the political and moral views of the judges and lawyers who apply the principles, and that, in the endless process of interpretation that it requires, the law becomes a forum for resolving larger social conflicts, rooted in passion, in reason, and, most of all, in power. Since the volumes of legal cases and statutes are full of contradictory doctrine, C.L.S. holds, it is possible to make a respectable legal argument leading to any desired result.

Ironically, the aggressive advocacy of Charles Fried during the 1985 term seemed to prove the wisdom of C.L.S. scholars: though they choose to question, rather than to reason from, the premises of earlier Supreme Court rulings, the more controversial briefs that he endorsed as Solicitor General appeared nonetheless to make presentable legal arguments. By this theory, the filings of the S.G.'s office should have provoked no more distress than much current American legal scholarship—Fried had merely aggravated the problem by attracting attention.

But the judgments of the Justices about Fried's advocacy during the 1985 term suggest other conclusions. For half a century, American lawyers have lived with the tension between the need for legal ideals that command respect because judges make them appear to come from some higher authority and the knowledge that the law is the imperfect creation of imperfect human beings. They have recognized that the law is an art, not a science. Though there may be few "right" legal answers dictated by formula, legal reasoning can be done well or badly. When it is done well and honestly, it has a greater chance of illuminating either the purpose of the statute under scrutiny or the principle at the heart of the most relevant precedents in case law. Then it can fulfill its role of helping give order to society by contributing stability, predictability, and determinability to the law. If there are no overarching "neutral principles" guiding lawyers who work on the most controversial problems before the courts in the mid-eighties, there are standard practices of legal reasoning that insure the law some integrity and help define it as law.



The Justices of the Supreme Court indicated repeatedly in opinions at the end of the 1985 term that the Solicitor General's office had failed to honor these practices as faithfully as they expected it to. The law was unsettled in some cases where the quality of the S.G.'s advocacy fell down, and it was for this reason that the Justices seemed especially upset: the process by which the law is shaped is particularly important when the outcome of a case may be subject to controversy. Members of the Court knew little about the changes within the S.G.'s office that led to the decline in its work, but the Justices willing to speak about the topic did not think that the deterioration had been inevitable. Unlike Archibald Cox, who, they concurred, demonstrated high legal scruples as Solicitor General during a similarly divisive period for the law a generation ago, President Reagan's second S.G. bent reason and spurned restraint in order to try for results. By misusing accepted principles of legal reasoning in major cases, he made the government's rationales suspect in run-of-the-mill matters, and he threatened the law's stability at a time when the legal system was unusually vulnerable. Instead of envisioning the law as a means of building consensus, as Cox did, Fried advanced the President's positions without regard to their deepening of divisions in American society.

Fried stated publicly that his advocacy during the term had not damaged the reputation of the S.G.'s office at the Court, but other lawyers said that behind the scenes at the S.G.'s office Fried was profoundly disturbed by the criticism of his advocacy in Supreme Court opinions. Inside the Justice Department, the lawyers said, the S.G. spoke as if he believed he had been sold a bill of goods by Bradford Reynolds and other political officials who, on behalf of Attorney General Meese, prevailed upon him to make the arguments he did in some controversial cases. He declared his intention of finding a middle path between what he

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE METROPOLITAN MUSEUM OF ART

Christmas Catalogue

Please send me the new 132-page Christmas Catalogue: a selection of more than 500 unusual gifts, reproduced from works of art in the Museum's collections. Glass, silver, porcelain, jewelry, prints, books, Christmas cards, and more.

Prices from less than $5 to more than $500—with a wide choice of presents between $10 and $50. Enclosed is $1.00 to cover mailing.

THE METROPOLITAN MUSEUM OF ART
255 Gracie Station, New York 10028

Name _____

Apt. # _____

Address _____

City _____ State ____ Zip ____

Request catalogue no. 1597

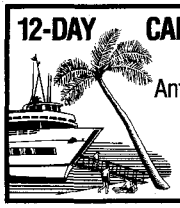
ANGLIAN FOCUS

EXPLORE THE OLD KINGDOM OF EAST ANGLIA

Leisure learning
Theme & special interest holidays
Small groups
Expert guides
Quality hotels

Send for our brochure to:
Don Venvell, Anglian Focus Limited, Mile Barn Knapton, Norfolk NR28 0RY, England.

12-DAY CARIBBEAN ISLAND HOP



Virgin Islands • Grenadines • Antigua • St. Lucia • Martinique
Saguenay via Erie Canal
800-556-7450 For Brochure
American Canadian Line, Inc.
Warren, RI 02885

The CHARLOTTE INN

MARTHA'S VINEYARD

FEATURED IN *Country Inns and Back Roads*

South Summer St., Edgartown, MA 02539 • 617 627-4751

called "being obdurate and being abject before the Court."

Fried was encouraged to seek this prudent course by Donald Ayer, who replaced Carolyn Kuhl as political deputy, and who arrived from California with a sterling reputation. Despite Ayer's partisan charter and his description of himself as a Reagan Republican, when he came to the Justice Department, in the spring of 1986, he was unprepared for the intensity of interest from political appointees outside the S.G.'s office who expected to play a large role in shaping the S.G.'s briefs. Lawyers in the S.G.'s office said that Ayer was "shocked" by the pressure from Reynolds. After getting caught up in a shouting match with Reynolds about the government's briefs in a trio of agenda cases, Ayer, who is usually reserved, told some of his colleagues that Reynolds was "a jerk," "a horse's ass," and worse, and that if Reynolds had been calling the shots throughout the Reagan years he finally understood why the President had such a dismal reputation on civil rights. Ayer was loyal to the Solicitor General, and the contribution of the new conservative political deputy, ironically, was to remind Fried of his legal responsibilities and to press him to give up pamphleteering. "I'm especially concerned with the integrity of papers the government files saying what the law is," Ayer said. "I think a lot of attention has to be paid to conservative standards in the legal sense."

The 1985 term would have been an extraordinary one for the Supreme Court even if the Reagan Administration had not tried to press its agenda so aggressively, because the Justices resolved an unusually high number of cases presenting distinct choices about major issues in the law. The 1986 term promised to be quieter, and at its opening Charles Fried made a comment on the results of his advocacy before the Court during the previous term. He told the Washington *Post*, "We spoke last year, they answered, we heard, and we go from there." That was as close as he had come to conceding in public any errors of judgment as Solicitor General.

Out of optimism or an accurate sense of change, lawyers in the S.G.'s office who spoke about Charles Fried's approach to cases for the new term, before he had filed enough briefs for anyone outside the government to judge how they compared with submissions in the previous one, picked up on this comment. They were struck by the S.G.'s new resolve to use his talents in the tradition he had previously compromised, and, adopting the coloration of his surroundings, to give up his ornate, frenetic style in favor of the less flashy manner of a reliable government lawyer. He had picked first-rank deputies, who reinforced one another's devotion to craftsmanship, the lawyers said, and though he still overruled the deputies in favor of advice from Bradford Reynolds and representatives of Attorney General Meese, and had to be canny about warding off incursions from political appointees when he did not agree with them ("One whiff of treason and they boot you out," a lawyer in the office said), he usually heeded the advice of his new deputies. He was committed to guarding the S.G.'s office as well as he could, they said.

Fried's eventual record in a number of the 1986 term's major cases concerning affirmative action and other agenda items, in which the Justices once again seemed to go out of their way to correct the government's reasoning while firmly ruling against it, suggests that the change noted in the S.G. by his staff had to do more with tone than with substance—more with his apparent attitude toward the Court than with what he actually argued, since he continued to reject the logic of its opinions and the importance of those statements as guiding judgments about American law. His testimony to Congress in March of 1987 that public criticisms of him as Solicitor were merely "subjective judgments" and that, during the previous eighteen months, he hoped that "the style and the content of the advocacy, the quality of the advocacy, the thoroughness of the argumentation" by the S.G.'s office under his leadership had been "as good as it has ever been" raised questions about how deeply his attitude had changed.

Still, for whatever it was worth, the change in tone, at least, was clear. At the end of the 1985 term, according to the Philadelphia *Inquirer*, Fried had criticized one decision of the Justices by saying, "Who knows what these clowns mean?" The words conveyed the disdain for the Court with which the S.G. was increasingly associated. Almost a year later, toward the close of the 1986 term, after the Attorney General's spokesman, Terry Eastland, commented that "a new appointment or two" to the Supreme Court would

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be the best way to reverse the Court's outlook on affirmative action, Fried called the remark "deeply troubling," and stated, "The way I should do my job is by crafting conscientious, scrupulous arguments in the light of the law. Personally, I wish every one of the Justices well." The Fried-Eastland exchange was one of a series of minor incidents in which the Solicitor General and his allies on the right, inside and outside the Justice Department, not only acknowledged but magnified and seemed to relish a new distance between one another. "I'm a very different man today than I was a year ago," Fried said soon after the 1986 term ended.

Lawyers in the S.G.'s office also recognized a more general truth: the advocacy of Charles Fried, perhaps more than that of any other Solicitor General, can fairly be judged only by considering the Administration he serves. Although Fried maintains that he has no ground for complaint, the legal views pressed by Edwin Meese and the practices of Meese and Reynolds, which flabbergast longtime observers of the Justice Department and exhaust the supply of synonyms for extremism in the law, severely limit Fried's independence.

Several weeks before the start of the 1986 term, Reynolds gave a speech at the University of Missouri purporting to offer a serious comment on principles to be applied in interpreting the Constitution. Instead, his remarks amounted to an attempt to blame one Justice for the discord between the Administration and the Supreme Court. In what a press spokesman at the Justice Department later called the strongest personal attack on a member of the Court by any top member of the Administration, and what lawyers in the Department described as the venting of an obsession, Reynolds denounced Justice Brennan for not reading the Constitution as Meese, Reynolds, and others thought it should be read. He asserted that Brennan's "radical egalitarianism" was "perhaps the major threat to individual liberty" in the United States today.

The speech promoted the Attorney General's "jurisprudence of original intention" more forcefully than Meese himself had done since its initial presentation, when critics on both the left and the right had given the theory low marks.

After peppering his text with quotations from Brennan's major speech about the Constitution, Reynolds ac-

THE MOST POWERFUL BRAIN IN THE BUSINESS.

With its monster 8K memory—4 times more than its nearest competitor—this tiny credit card diary (2 x 3 x ⅛") has the power to keep pace with your busy lifestyle. Plus you get message alarms, security codes, data transfer, and more.

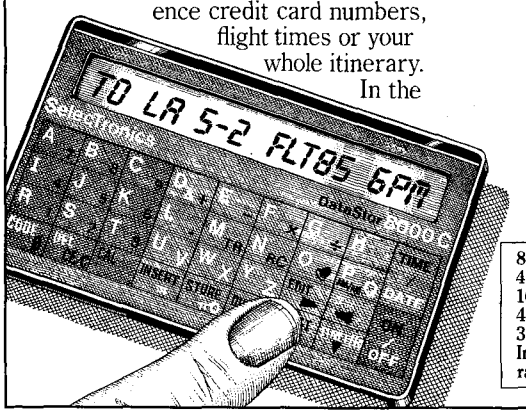
Now you can consolidate all the vital information scattered around in your address book, calendar, wallet (and your head). And keep it neatly tucked inside your pocket.

Day-to-day, you've instant access to phone numbers and appointments. On the road, you can quickly reference credit card numbers, flight times or your whole itinerary. In the office, all data can be down-loaded to the desk-top or checkbook model—a product exclusive.

Need a little nudge? 16 message alarms remind you of anything from expired parking meters to dinner dates. Plus a security system keeps your secrets safe from prying eyes.

Order your bigger brain today. Order two, and save.

- DataStar 8000 DB400 $49. ($3) Set of 2 DB401 $94. ($4)
- Desk Top Model 8000-D DB402 $59. ($4)
- Checkbook Model 8000-C DB403 $59. ($4)



Order toll-free 24 hrs. a day
800-346-9666
RYANS®
BY ♦ MAIL
23010 Lake Forest Dr., Suite D321
Laguna Hills, CA 92653

8K memory (7951 characters), holds up to 400 memos.
16 message alarms, one year programmable.
4-function calculator, time/date display.
3-year battery plus memory backup.
Includes case, instructions, 90-day warranty, & 30-day return privilege.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cused him of regarding the document as "a 'dead letter,' " placing quotation marks around that phrase so as to convey the false impression that it, too, was quoted from Brennan. In actuality, the Justice had argued the opposite. Reynolds' speech was a reminder that the most powerful officials in the Reagan Justice Department sometimes skirt a practice without which the rule of law collapses—telling the truth.

A question that has often cropped up about Meese, Reynolds, and their allies during the Reagan Administration is this: Why do they do it? What moves them to defy the constraints of mainstream legal thinking, and sometimes the law itself, in their pursuit of the Reagan agenda? Neither the Attorney General nor his right-hand man has answered the question, in part because neither of them grants the premise. They speak about their reign in government as if they were meeting the highest standards for public servants. Because they are close allies of a President who was extraordinarily popular for almost six years, and also, perhaps, because many people who condemn them also write them off as unworthy of serious consideration, both men have until recently remained strong and untouchable long after the record warranted a harsher judgment.

In this period of free-for-all in the law, when a vocal group of scholars and advocates on the left join Meese and Reynolds on the right in believing that they can make almost any legal claim with a straight face, it is no wonder that the Solicitor General has appeared to believe that, on behalf of the Administration, he can, too.

However much changes in the legal culture help explain the transformation of the S.G.'s office during the Reagan years, the story carries a lesson of its own. To understand how the Reagan Administration views the law, it is only necessary to know what it has done to the office of the Solicitor General. If there is a thing called law, with a reassuring sense of continuity despite its contradictions, a measure of stability that contributes to social order, and an integrity provided by, among other things, the careful practice of legal reasoning, then one of the great misdeeds of the Reagan Administration has been to diminish the institution that, to lawyers at the highest reaches of the profession, once stood for the nation's commitment to the rule of law. —Lincoln Caplan

(This is the second part of a two-part article.)

Want to brush up on a foreign language?

With Audio-Forum's intermediate and advanced materials, it's easy to maintain and sharpen your foreign language skills.

Besides intermediate and advanced audio-cassette courses—most developed for the U.S. State Dept.—we offer foreign language mystery dramas, dialogs recorded in Paris, games, music, and many other helpful materials. And if you want to learn a *new* language, we have beginning courses for adults and for children.

We offer introductory and advanced materials in most of the world's languages: French, German, Spanish, Italian, Japanese, Mandarin, Greek, Russian, Portuguese, Korean, Norwegian, Swedish, and many others.

Our 15th Year

Call 1-800-243-1234 for FREE 32-p. catalog, or write:

AUDIO-FORUM Room K856
96 Broad St., Guilford, CT 06437 (203) 453-9794

Bagel Cutter *Patent Pending*

Our bagel cutter makes it easy to obtain perfect bagel halves. Hand crafted from domestic Red Oak.

Delivery Immediate

$16.95
$20.95 with knife

Oak&Iron

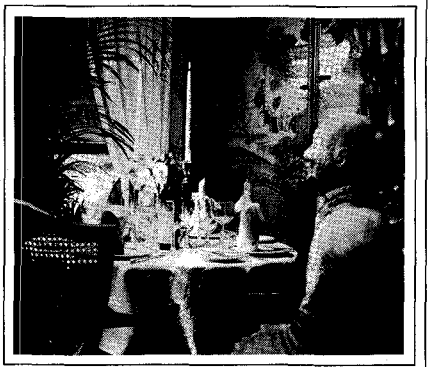
ORDER BY MAIL OR PHONE TOLL-FREE
1-800-356-5432, Ext. 513. (in Wisconsin call 1-800-362-6060, Ext. 513). M.C., VISA, Am. Exp., Diners Club or check. Ship. & Hdlg. $3.00 each. Send to: Oak & Iron, Dept. 513, 2700 Commerce St., La Crosse, WI 54601. *Money back guarantee. Call for free catalog.*

THE GINGER MAN RESTAURANT Manhattan
51 West 64th Street · (212) 399-2358

Our Desk . . . still stands alone

STAND-UP DESKS *handcrafted to* your height in oak, mahogany or walnut.
For free brochure:
The Stand-Up Desk Company
5207 Baltimore Avenue
Bethesda, Maryland 20816 (301) 657-3630

PURE NOB HILL, PURE SAN FRANCISCO



HUNTINGTON HOTEL
NOB HILL, SAN FRANCISCO 94108
Member of Small Luxury Hotels
(415) 474-5400

"A private estate that sweeps all honors as the most enchanting lakefront sanctuary of its kind in America."
"The Hideaway Report"

THE POINT Seven years of rave reviews have produced a magic atmosphere of familiar camaraderie at this former Rockefeller estate in the Adirondack Mountains. Come experience life as it's meant to be: breakfast in bed or under the hemlocks; bloodies on the sundrenched beach; picnics to islands in mahogany speedboats, and walks through the woods or golf or croquet; *toasting the sunset from an antique lake launch and* wonderful dinner parties in the Great Hall. Nothing is organized and everything's private but the call of the loon.
Come discover why The Point is one of only ten Relais et Chateaux in America.
THE POINT, Saranac Lake, NY 12983
518-891-5678

RUSSIAN LACQUER BOXES
PLEASE SEND FOR OUR FULL COLOR BROCHURE $2
LIGHT OPERA GALLERY
GHIRARDELLI SQUARE #102N
SAN FRANCISCO, CA 94109
415-775-7665

MICHELANGELO
Limited edition portfolio of 14 lithograph prints of the Italian Master's drawings. Exact scale reproductions printed in Florence on Rusticus paper capture superior detail.
TO ORDER: mail check for $150.00 plus $3.50 for shipping to: C. Miller, P.O. Box 1294, Media, Pa. 19063. Or write for further information.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE THEATRE

Under the Dryers

THIS is the late news on "Steel Magnolias," a production of the invaluable WPA, which originally opened at its little theatre for an abbreviated run last March and has since moved to the Lucille Lortel. The play, a commendable first effort by Robert Harling, is about a beauty shop in a small town in Louisiana, where all the action takes place, over the course of about two years, and the six women of the dramatis personae are the proprietress, her assistant (shampoos and taking out rollers), and four of the steadiest customers—daily communicants is more like it—ever recorded. Their peculiar names are Truvy, Annelle, Clairee, Shelby, M'Lynn, and Ouiser, and they are a wisecracking lot, tough on the outside, soft on the inside, and many of their cracks, expertly delivered, are funny. Underneath all the banter, though, runs a sad, not to say sentimental, story. The story begins on the day of Shelby's wedding, when she persuades the proprietress to put baby's breath in her hair, to the mild protests of her mother and the comments of the other ladies. Their men, by the way, live only in their conversations, most of which are disparaging. There is a shadow over the wedding; Shelby has a mysterious seizure, and we learn that she is a diabetic and has been told that she may never have children. (The fit is so unsettling that I thought for a while that the dramatist was using "diabetic" as a synonym for "epileptic," but no.) Shelby is pregnant in the second scene, eight months later, defiantly telling her worried ma that no adoption agency would consider anyone with her medical record, so she and her new husband have decided to chance it the real way, and later on come reports of a dialysis machine and an unsuccessful kidney transplant. The pathos, though, does not determine the tone of the play, which is more a matter of salty chatter than damp tears.

Comparisons may be invidious, but comparison with Eudora Welty's incomparable "Petrified Man," a short story about another Southern beauty shop, this one in Mississippi, seems inevitable. No wisecracks, no one-liners here, but a humor that probes and reveals the shoddy lives of the mean-spirited characters and subtly camouflages the horror within. "Petrified Man" is an indelible classic; "Steel Magnolias" makes an amusing evening—much of it does, anyway. The acting throughout is up to WPA's usual standard. Above all, I admired the clear, simple performance of Betsy Aidem as the diabetic young heroine, and I also enjoyed Rosemary Prinz as her mother and Kate Wilkinson as the rich widow of the late mayor. The stunning setting was designed by Edward T. Gianfrancesco and lighted by Craig Evans; the appropriate costumes were by Don Newcomb. Pamela Berlin was the able director. —EDITH OLIVER

•

Mus 109-412A
BORETZ

CREATING THURSDAYS. Each week, on Thursday, a daylong project in context creation, in which the workshop itself is the context created; integrating strenuous music learning with the devising, realizing, and examining of strategies for social interface (in the forms of both social and sonic texts), imagined in the light of perceived expressive purposes. Exemplary social considerations might be formulated as in the following verbal-text fragment:

"... So what do *we* want of *you*?

And in what name, on whose account, in what form, do we presume to seek to be acceptable, to feel ourselves acceptable, as conveyors of a communal soundsense, as we enter this public space?

And in what way, for what reason, do we seek that you acknowledge us, and that we perceive outselves, as having been, in our soundmaking in this public space, legitimate interlocutors in the communal dialogue about the needs and forms of everyone's interaction?

And how is just surviving, enough?"

Composing, playing, and listening are the principal music-learning means employed in this workshop. Pre-requisites: Study & Practice II, or Forming, or other suitable interest and experience. In any case consultation with Mr. Boretz prior to registration day is non-negotiably essential.—*Bard College course list.*

What have you got in nineteenth-century English poetry?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A REPORTER AT LARGE

HAZARDS INVOLVED

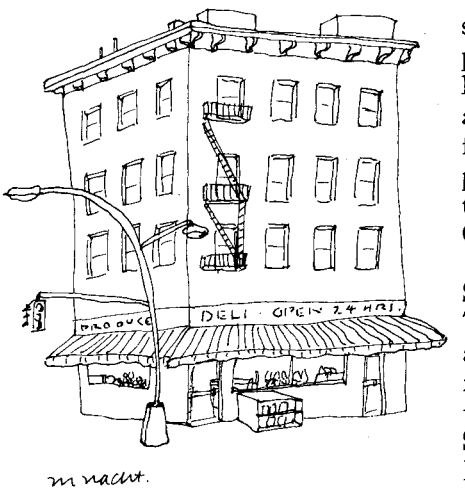
THE Empire State Building measures twelve hundred and fifty feet from the tip of its mooring mast to the ground. On July 14, 1986, two young women tumbled uncontrollably for somewhat more than that distance along a snow-clad slope of Mt. Moran, in Wyoming's Grand Teton National Park. One of the pair, Abigail Mackey, died in the fall. The other, her friend Nicola Rotberg, survived.

Mt. Moran, whose elevation is about twelve thousand six hundred feet, is named after a landscape artist, Thomas Moran, who visited the region in 1871. He must have been overwhelmed. The mountain rises straight out of a valley, as do the other Tetons—jagged peaks that have been compared en masse to sharks' teeth. (French fur trappers once came up with a gentler description of part of the range: Trois Tétons—Three Breasts.) One preservationist, drawing a comparison to walking for the first time into Notre-Dame or the Sainte-Chapelle of Paris, has stated, "There is a sensory shock in seeing the redwoods, the Grand Tetons, or Mount Rainier that dazzles all but the deadest souls." Another observer—a cavalry lieutenant who led an expedition to the remote scene in the eighteen-seventies—wrote, "On the wide continent of North America there is no mountain group to compare in scenic splendor with the Great Tetons."

Jackson and Jackson Hole and Jackson Lake are named after David Jackson, a nineteenth-century fur trader. The town of Jackson, which, at about twenty-five miles south of Mt. Moran, is the closest metropolis, has a year-round population of five thousand, but in summer, on what the locals call Winnebago Days, there may be as many as thirty thousand people around, quite a number of them elderly. Jackson is the sort of community where a young woman clerk in a gift shop offering to inscribe your name on a souvenir belt buckle assures you, "I'll do it with my own hands," and where you can buy a stuffed jackrabbit head with small deer horns attached. There is a National Elk Refuge just north of town, and along Jackson's main drag the tourists take pictures of one another beneath arches made of elk antlers.

One feature of Mt. Moran is Skillet Glacier, so called because it resembles a somewhat lopsided frying pan. Rising on the mountain's eastern face, it is twenty-five hundred feet high, and provides the most direct access to the summit. The handle part of the skillet is fifteen hundred feet high and about two hundred feet across, and toward the top it is extremely steep and narrows to only twenty feet. At the bottom of the handle is a large bare outcrop called Rock Island. Between the pan of the skillet and Rock Island is a crevasse, called a bergschrund.

According to the "Mountain Climbing Guide to the Grand Tetons," published in 1947 by the Dartmouth Mountaineering Club, the Tetons "must be treated with respect." Before every attempt to conquer any of them, "careful preparations are necessary," the guide asserts. "Sudden afternoon thunderstorms carrying rain, hail, and sometimes snow are to be expected and the possibilities of a forced bivouac on the mountain must be faced." On a rising degree-of-difficulty scale of 1 to 4, Skillet Glacier is rated a 3: "Should be attempted only with guides or by a strong party including two or more experienced leaders." Almost forty years later, Pete Armington, a Park Ranger in the Tetons, declared, in a National Park Service report, "The Skillet Glacier has an undeserved reputation as a safe and easy route to the summit of Moran. Historically, there have been a number of deaths and serious injuries on the Skillet . . . The Skillet experiences frequent avalanches and rockfall, and the snow of the 'handle' leading to the summit is deceptively steep. Inadequate equipment, lack of skill, and inexperience are common denominators of many accidents on the Skillet. Many parties have found a rope to be a welcome aid to a safe descent of the steep upper portions of the handle."

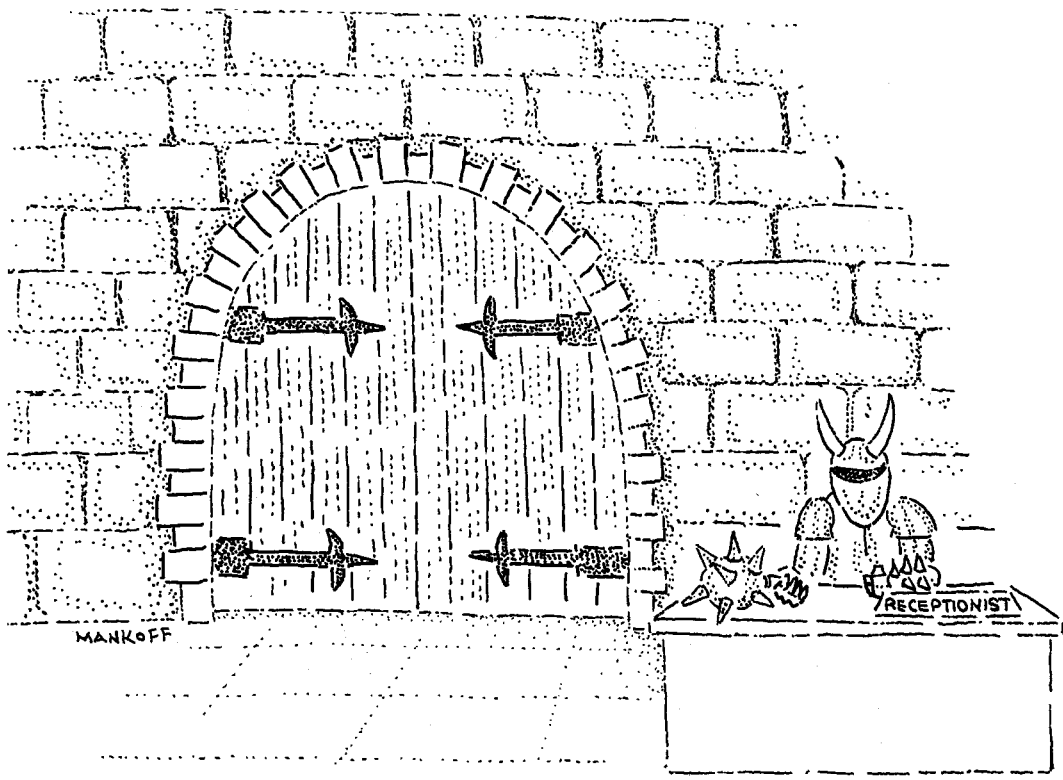


National Parks do not require skills tests of prospective climbers. "They're *your* parks—pristine—for you to use," one veteran climber in Wyoming likes to tell tyros. "You're free not only to enjoy them but to kill yourself." Park Rangers, in any event, do not like to be put in the position of deciding who should be allowed to climb and who shouldn't. "How are you going to ask a Ranger to play God?" one of them said not long ago. According to Ken Johnson, a helicopter pilot who helped rescue Nicola Rotberg, "These mountains are always going to deal you out a bunch of cards that you never know how they're going to lay up."

THE first recorded safe round trip on the Skillet occurred as recently as 1922, but the glacier has since yielded to countless uneventful incursions. A register in a cairn at the top of Moran contains, by now, hundreds of names. In the summer of 1986, one climber who had been on Moran half a dozen times and had done the Skillet round trip three times was Stephen Adkison, a twenty-four-year-old native of Decatur, Alabama. Steve attended Auburn University, in his home state, for a while, and then went west and eventually graduated from Montana State. Now he lives in Bozeman, Montana, where he coaches a school speech team. He has long loved mountains. Back in 1957, his mother was a maid at Yellowstone National Park's Old Faithful Lodge. Steve, who had done some modest rock-climbing in Alabama, first got to Yellowstone himself and to Grand Teton National Park, which lies just south of Yellowstone, in 1982. For the past five years, he has worked at Yellowstone each summer—first as a cook and later in restaurant management—for TW Recreational Services, a company that operates, among other facilities across the country, Yellowstone's Canyon Village Lodge.

During the 1985 tourist season, Steve and five fellow-employees at TW became special friends, and they all returned to Canyon Village the next year. There was Andrew Lewis, twenty, a sophomore at Mississippi State. Andrew, whose father was an Episcopal priest and whose mother was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



a social worker, was a crackerjack oarsman and swimmer, and had had some rock-climbing experience. There was a Brown University junior, Herminio (Minio) Delgado, twenty-one, of New York; and two Brown graduates —Alicia Jane (A.J.) Zbehlik, twenty-two, of Trenton, New Jersey; and Abigail Mackey. Abby, who was twenty-one, came from Milton, Massachusetts. Her father was a lawyer, and her mother a hospital gift-shop volunteer and a part-time girls' tennis coach at Milton Academy, Abby's high school. Abby had two brothers; she was the Mackeys' only daughter. She was an all-around athlete—running, basketball, softball. After her death, Minio said, "I've done a lot of hiking with Abby. She loved to hike, and was not afraid of heights or loose rock."

"These kids were a fearless, determined breed," Abby's mother said not long ago. "Abby wanted to go to the top of that mountain. That was something very important to her." Abby herself had written to a cousin, in June of 1986, "Being out here just does something to me—releases me, frees me of so many of my insecurities and inhibitions. You can feel freedom in the air, take deep exhilarating breaths of it. And of course I'm physically exhausted most of the time, which I really love."

In the last letter Abby is known to have written, dated six days before her death, she told a Brown friend, "The people I hang out with—there are six of us, basically—are just the greatest people I know—really together, happy, not complicated." Abby and A.J. were so devoted to their Yellowstone chums that they had spent part of their previous Christmas holiday skiing with Steve in Montana. Abby said in the same letter:

> How is your summer going? Mine is wonderful, as expected. I am expanding, using my body all the time, physically exhausted, completely happy. All the hikes we do are mountains, really big, beautiful ones. Last weekend we went down to the Tetons, to a canyon that no one goes to because there is no trail. It was a bit of a disaster. I fell on a rock and smashed my leg up pretty badly, another person [that was Minio] got lost and had to spend the night alone in a big thunderstorm. But next week we're going up Mt. Moran, one of the largest Tetons. The whole way up is glacier climbing—ice axes. It's going to be pretty intense—it's a huge mountain, the biggest I've ever done. But I'm getting so pumped up for it I'll probably fly up the thing. I'm no maniac thrill-seeker, but if I'm going to die some day, I'd like it to be on the way down a big mountain (not on the way up—I have to see the peak first!).

The sixth member of the group, Nicola Rotberg, was a twenty-year-old sophomore at Colby College, in Maine. She was one of three daughters of a political scientist and historian at the Massachusetts Institute of Technology, who has since become a vice-president at Tufts. The Rotbergs live in Lexington, Massachusetts, where Mrs. Rotberg works with the local special-education program. At Lexington High, Nicola, a brown-eyed brunette who stands five feet six and weighs a hundred and fifteen pounds, earned varsity letters in track and cross-country running. The Rotbergs have a vacation place in Madison, New Hampshire, in the White Mountains, and over the years Nicola has done a good deal of hiking, running, and skiing there. The principal accidents she remembers, before last summer's, involved chipping a couple of teeth while, as a fifth grader, she was essaying a back flip off a diving board, and, a year or so before that, slamming a house door on her finger with such force that the tip was cut off and she had to have a skin graft. She first went west to Yellowstone and the Tetons on a family trip after ninth grade.

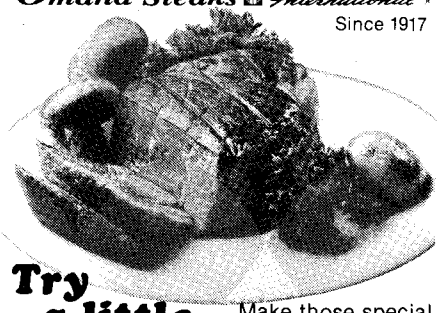
ONE day in early July, 1986, Steve Adkison, who had been up and down Moran before, proposed that the six friends tackle it together. The others weren't entirely sure that they were ready for that—they were concerned about the difficulty of the climb, quirky weather, and altitude sickness, among other things—but after considerable discussion they decided to go ahead. During a hiking trip in the Tetons, they scheduled a whole day's practice with some ice axes they had rented, but circumstances forced them to change their plan.

"I really had a lot of confidence in Steve," Andrew said after the accident. "And in myself, too. All six of us had hiked together a lot, and when the subject of climbing Moran was raised our feelings ended up positive. We were unaware that we were digging ourselves into a hole. It wasn't until more than a month after Abby's death that I began to blame what had happened on our stupidity."

The group always had Mondays and Tuesdays free, so they finished their chores at Canyon Village early one Sunday afternoon and headed south. When they reached the Tetons,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Omaha Steaks International
Since 1917



Try a little tenderness Make those special occasions truly memorable! Just try a little tenderness. Candlelight, soft music, and magnificent, aged Filet Mignons. Perfect. Experts select and prepare each filet! Their artistry in cutting and aging is your assurance of utmost enjoyment. Steaks arrive frozen. Complete satisfaction guaranteed. **INTRODUCTORY OFFER:**

Six 6-oz. Filet Mignons, 1¼" thick
(reg. $53.95) $29.95
(plus $4.50 shipping/handling)

YOU SAVE $24.00!

SAVE EVEN MORE...
Twelve 6-oz. Filets at
Extra special price of $58.95
(plus $4.50 shipping/handling)

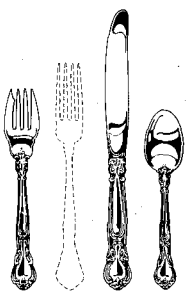
OFFER VALID IN 48 STATES UNTIL SEPT. 30, 1987.
Limit - 2 packages per order
Phone or mail order. Use major credit card and

Call Free 1-800-228-9055
Order today or write for FREE catalog and 10% discount coupon.

Omaha Steaks International®
Dept. 1888 / 4400 So. 96th Street / Omaha, NE 68127

MISSING A PIECE OF YOUR PATTERN?

Now you can replace pieces or add to your sterling silver collection at up to 75% off retail prices. We specialize in new and used flatware and holloware, with over 850 patterns in stock. Call or write for a free inventory. (We also buy sterling, with a careful appraisal for maximum value.) Pattern shown: Chantilly by Gorham.



Beverly Bremer
SILVER SHOP
3164 Peachtree Rd., Dept. NY, Phone (404) 261-4009
Atlanta, GA 30305 Hours 10-5, Mon.-Sat.

Camden, Maine

A seacoast village where the mountains meet the sea. Enjoy this magic and beauty at a historic inn offering memorable meals, fine wines and spirits, tennis, sailing, boat cruises or quiet contemplation. Daily plane and direct bus service from New York and Boston.

Whitehall Inn
Box NY, Camden, Maine 04843

they were supposed to get a climbing permit from the Jenny Lake Ranger Station. While no qualifications are demanded, the Park Service people do like to know who's where and to talk to climbers about routes and conditions. Steve had anticipated that they would not reach the station before it shut down for the evening, so he had phoned Jenny Lake a few days earlier, explaining that he was familiar with Skillet Glacier and how to climb it, and the Ranger on duty had agreed to grant the group a permit sight unseen. "It appeared to me that he was organized and aware of his undertaking," the Ranger later said in a report for a board of inquiry investigating Abby's death. Section 25 of an accident-report form required by the Department of the Interior, to which the National Park Service is subordinate, includes a space for "corrective action taken or planned." The Teton Ranger who filled out the form, three days after Abby's death, wrote in, tersely, "Continue to warn climbers of the hazards involved in serious mountain climbing."

Some mountaineers find helmets useful, if not essential, to minimize injuries from falls or from flying rocks. The party had tried to rent helmets, but none were available. Steve did have two seventy-five-foot ropes, but nobody gave these much thought; after all, he had made his last run-of-the-mill climb unroped. There are no telephones, incidentally, on Mt. Moran, for emergency calls.

The six climbers spent the night at a scenic overlook east of the Tetons, and rose early on Monday, July 14th. On Jackson Lake, at Signal Mountain Lodge, they hired a motorboat to ferry them across to the base of Mt. Moran. They got there at eight o'clock. The boatman said he would pick them up twelve hours later. Besides their ice axes and Steve's ropes, they had extra clothing, rain gear, food, cameras, and foam sleeping pads. It was about an hour's walk to the snow line. After they reached the first snowfield, they went up for about a hundred and fifty feet, and then paused, where the slope was a bit steep, to practice falling down and arresting themselves with their ice axes. Although they spent only about half an hour at this, Steve later wrote in a witness statement that "everyone picked up the technique readily." Then they moved on upward, pleased at their seeming prowess.

"I guess this created a false sense of confidence," Minio said in his witness statement.

Andrew concurred. "We felt pretty comfortable with our ice axes," he said. "Now I realize that that was a big stupid mistake, which I'll never stop paying for."

Around noon, they reached the bergschrund. Five of them climbed to Rock Island, planning to have lunch —dried fruit, cheese and crackers, peanuts. A.J., who acknowledged later that she was "very scared of heights," hung back. The bergschrund scared her, too. (Nicola says, "I wasn't scared until higher up, when the mountain got steeper. But then I got myself together again.") Minio, who was A.J.'s particular friend, went back to keep her company. The two of them had gone as far as they were prepared to go. The six agreed to rendezvous below the glacier at four o'clock.

Nicola, Abby, Andrew, and Steve headed on up, in single file, five to ten feet apart. The snow was reasonably firm until the very top, where it was rotten, and they took turns kicking steps in it every six to twelve inches. Whoever was in the lead would kick steps for a time and then drop back. Nicola had to beg off after a while; the sole of her right boot had come loose. There was one pulse-quickening moment during the ascent, at about two-thirty, when Abby slipped, and skidded down perhaps forty feet. She managed to stop herself with her ice axe. "That *really* boosted our confidence about those axes," Nicola recalls.

As the four climbers neared the summit, both Abby and Steve complained of headaches—presumably from the altitude. That was the only jarring note. The climbers could now hear a storm on the other side of the mountain, but on their side there was only an intermittent drizzle, so after a stop for snacks—candy bars, granola —they pushed on. They reached the top at three-thirty. "We all felt ecstatic, because it was a really incredible view and an incredible feeling of what we'd done—meeting the challenge, and all that," Andrew said.

They were sort of kidding around at the summit. Andrew remembers telling Abby, "I don't know how to go down," and Abby replying, "All you have to do is go down," and Steve, the experienced climber, chiming in, "Yeah, that's all you have to do—'go down.'" They took off, single file again—Steve leading, then Abby,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

thirty feet above him, and then, at ten-foot intervals, Nicola and Andrew. They still had not brought out the ropes Steve had packed. As they descended, they used a difficult technique known as plunge stepping—planting their heels in the snow and facing out, rather than sticking their toes in and hugging the mountainside.

Toward the top of the skillet handle, Andrew slipped. He managed to brake himself, but not before he had slid into Nicola's feet and sent her flying. When she hit the ground, she stuck out her ice axe, the strap of which was looped around her right wrist, but the axe didn't hold. She slid into a slippery chute—a runnel—where the snow was harder, and began picking up speed. The others watched, horrified, as Nicola, her axe swinging wildly from her arm, careered along the skillet handle. Then, where it swerved to the left, into the skillet pan, she disappeared from view. Steve went into a glissade—a controlled slide—and took out after her. She rocketed down from about twelve thousand two hundred feet to ten thousand four hundred. She remembers that as she fell faster and faster toward Rock Island, for a while on her face, feet first, she thought it was all over.

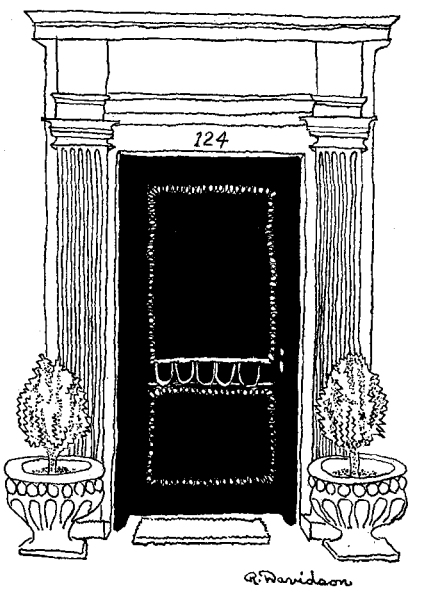
Nicola came to a halt, finally, in a crevasse, in a sitting position on a rocky ledge, her face covered with blood, and an icy stream of water, from melting snow, cascading over her. Her axe and her gloves had disappeared along the way. She was conscious. "I told myself, 'Don't go to sleep,' " she says. She thought she felt stones hitting her on the head (they were probably hailstones), but she was afraid to try to move, lest she plunge deeper into the crevasse.

Abby and Andrew, left alone when Steve went after Nicola, decided to proceed with extra caution. But seconds later, conceivably shaken because of what they had seen, Abby, too, slipped, and went speeding down the same chute. She was out of control and, apparently already dead, was sliding head first. For a few moments, when her body reached Nicola's perch, her motion was halted. Then Abby's body slipped off and continued out of sight.

Andrew was the next to lose control. "My nerves were just shot, up on that mountain with a storm coming up, and watching two of my best friends fall," he says. His ice axe stopped him once, and then he slipped again, this time saying to himself, he recalls, "Oh, Lord, Andrew, you're dead." He lost his ice axe. He was kicking and clawing and grabbing as he fell. When he caught up with Steve, their feet got tangled, and that slowed Andrew down enough to bring him to a halt. Steve, whose downhill technique was manifestly superior to his companions', handed him an ice axe—either Nicola's or Abby's—that he had retrieved. Then Steve continued along the course that Nicola and Abby had helplessly followed.

On reaching the Rock Island area, at about four-fifteen, Steve guessed, correctly, that the two young women, who weren't visible, had fallen into crevasses. Nicola had been shouting for help, but he couldn't hear her; possibly the water pouring over her head drowned out her voice. But Steve spotted a foam pad that had been torn from her pack, and soon he saw her, twenty feet down. He lowered her a rope, but her ungloved hands were so numb she couldn't tie it around herself. He managed to climb down to her ledge. "Abby's down there," Nicola told him. "She's dead." Steve couldn't see Abby. Nicola recalls that she then said to Steve, "I'm going to die."

"No, you're not," Steve told her, and he made her say that she wasn't going to die. He wiped some of the blood off her face. He contrived, by a feat of strength that he believes he could never have accomplished in normal circumstances, to push her partway up the crevasse and then climb around and pull her out the rest of the way. He had taken an emergency-medical-training course, and he checked her for broken bones. None that he could ascertain. He had some dry clothes in his pack—a pair of pants and a quilted shirt—and he got them on her.



Andrew joined them. He had an extra sweater. Steve put that on Nicola, too. He instructed Andrew to continue down along the glacier, to find Minio and A.J. (they had abandoned their designated rendezvous to take cover from a hailstorm), and to send Minio—who would undoubtedly be fresher and stronger than the by now thoroughly unnerved Andrew—back up to help. Andrew and A.J. would go to the boat landing and have the boatman radio for help when he arrived.

Nicola was barely conscious. She couldn't walk. Steve couldn't descend without recourse to an ice axe. That tied up one arm. He picked her up with the other—he stands five feet ten and weighs a hundred and seventy-five—and began sidestepping down. It was now about five-forty-five. "I had to keep moving," he said afterward. "The only way she had a chance of surviving was to get down that mountain."

Minio, alerted by Andrew down below, reached them. He and Steve rigged a makeshift sled out of a sleeping pad and Steve's ropes, and they dragged Nicola down a thousand feet—Minio in front, Steve in the rear, braking—until they reached the foot of the snowfield, close to the spot where they had practiced ice-axe arrests that morning. "Nicola was shivering non-stop, and it was getting colder and colder," Steve says. "She just wanted to go to sleep. I had to keep slapping her and yelling at her to keep her eyes open." In the end, he decided to wait there with her for—if they were lucky—a helicopter, rather than try to transport her the still considerable distance to the boat landing.

A.J. and Andrew reached the lakeshore at seven, an hour before the boat was due. Then Minio arrived, so he could tell the boatman where Nicola and Steve were, but when the boat appeared, on schedule, they learned, to their dismay, that it had no radio. By the time they got to Signal Mountain Lodge and a telephone, it was eight-twenty-five.

THE Tetons' Ranger force is composed of year-round and seasonal employees. The seasonal Rangers live in small cabins in an area called Lupine Meadows, about nine miles from Signal Mountain Lodge, and store most of their rescue gear there. Some of those on the scene that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

evening were just about to sit down to a spaghetti dinner when they learned of the emergency. Pete Armington, who had been a Ranger since 1971, and had previously worked at Yosemite and Rocky Mountain National Parks and at the Pinnacles National Monument, had taken the call at home. Armington, who was to be in charge of the air operations that evening, jumped into his car, radioed ahead, and raced the seven miles to Lupine Meadows.

When Armington was transferred to the Tetons, in 1984, he had urged his new colleagues to adopt some two-phase helicopter-rescue techniques he had become familiar with at Yosemite —techniques to be used where a landing was impractical or impossible. Phase I involved getting Rangers to the scene, and could mean Rangers rappelling out of helicopters, on two-hundred-foot-long ropes. Phase II—called a short haul—had the Rangers loading a person onto a litter slung beneath a helicopter. Armington had pleaded with his superiors for funds so that the Teton Rangers could become proficient in these techniques (the Park didn't have a copter of its own on contract, and it cost six hundred and fifty dollars an hour to rent one), but only twelve thousand two hundred and fifty dollars had been allocated. Even so, fifteen Rangers, under Armington's tutelage, had been practicing heli-rappelling and short hauls since the previous September. Still, they had never tried them on an actual emergency mission; now was their first chance. There was one monumental problem: Armington calculated that at best just forty minutes of minimal daylight remained.

The only helicopter in the area that could be used for this sort of mission, and the one with which the Rangers had practiced, was a Bell 206L-3, belonging to Mountain Rotors, Inc. The pilot, an Army veteran named Ken Johnson, who, as it happened, was the son of a retired National Park Service employee, was used to emergencies; he had lost track of how many times his beeper had gone off and taken him away from whatever he happened to be doing. Johnson was at home having dinner when the phone rang. How quickly could he and his chopper get to Lupine Meadows to load up for a rescue? He drove the fifteen miles from his house to the Jackson Hole Airport in twenty minutes.

It was a five-minute flight to Lupine Meadows. By the time he got there, a swarm of Rangers was waiting to take off the helicopter doors, so that an anchor plate for the rappelling ropes could be installed. Steve Rickert and Renny Jackson, Rangers with seven and ten seasons' experience, respectively, were equipped and ready to get aboard. So was Ranger Dan Burgette, who would lower the rope for the litter. A.J. and Minio and Andrew had been rushed over by van from Signal Mountain Lodge to tell the Rangers where Nicola and Steve were huddled. Because of the steepness of the terrain there, Johnson knew that he would have no chance of either a one-skid landing or a toe-in—with the tip of a skid thrust into the ground. The Rangers would have to rappel. (Armington later estimated that the nearest spot where the helicopter could have landed was an hour and a half's hike from Nicola and Steve.) "What I remember most was how confident the crew was, how ready to make quick decisions," Andrew says.

By ten minutes after nine, Johnson was hovering above Nicola and Steve. Rickert and Jackson hitched themselves to their ropes and lowered themselves to the uneven ground. Once they had touched down and Burgette had pitched the first-aid equipment, food, sleeping bags, and other tack, Johnson hightailed it back to Lupine Meadows to have a litter put inside the copter. "We were having a backs-to-the-wall race with time," Armington says. By nine-thirty, Johnson was again over Mt. Moran. Meanwhile, the two Rangers on the ground, apprehensive (wrongly, everyone was later glad to learn) that Nicola might have suffered a neck injury, had put a cervical collar on her, and they had also put a back splint on her. "She didn't seem in very good shape," Rickert said afterward; immediate evacuation seemed imperative. She was, in rare lucid moments, combative—a characteristic symptom of victims of hypothermia and head injuries. And she certainly had both. She had suffered five head wounds nasty enough to require suturing once she reached the hospital.

By the time the Rangers had Nicola ready to be lifted off in the litter, it was too dark for the hand signals they had used for communicating during practice runs. They had to talk by radio while sending Nicola off—in what Armington has called "the last remaining vestiges of any usable light." Once that had been accomplished, the helicopter made a four-mile journey to the Cathedral Group Turnout, where more Rangers were standing by to transfer Nicola from the litter to the helicopter cabin for the brief flight to St. John's Hospital, in Jackson. Again, Johnson had to follow radio instructions while going through the delicate maneuver of lowering the litter—it dangled about seventy-five feet below him and was invisible to him—to the ground crew.

"They hung it all out to get Nicola off that mountain that night," Steve Adkison says. "I can't hear a chopper to this day without feeling an overwhelming sense of relief."

As for Johnson, he said recently, "Something like that happens, it makes you feel real good."

Nicola arrived at the hospital, where the alert had been sounded, at ten minutes after ten, just an hour and forty-five minutes after Pete Armington picked up the phone and learned of her plight.

AFTER the helicopter had clattered off from the mountainside, Jackson and Rickert tucked Steve into a sleeping bag. Then, with headlamps on their helmets, they climbed up to the bergschrund. It was midnight before they reached the crevasse Abby had fallen to. Rickert belayed Jackson down to her. "It was as grim as it gets" was all that Jackson said when Rickert hauled him up. They made their way back down. At daybreak, Ken Johnson made three more helicopter trips to the mountain, carrying two Rangers each time. They rappelled to the glacier and winched Abby's body out. She had died of severe head injuries. In the next few weeks, two memorial services were held for her—one back East, at Milton Academy, and the other at Yellowstone, where her parents left her ashes on a ridge she had loved at Canyon Village.

FIVE Jackson physicians take turns being on call for emergencies at St. John's. The one who happened to be accessible as Nicola was being flown in was Brent A. Blue, the assistant medical director for Grand Teton National

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Park. Dr. Blue knew not much more about the condition of his arriving patient than that she was almost certainly suffering from hypothermia, a frequent summertime affliction in the Tetons. (In winter, when mountain climbers dress warmly, frostbite predominates.) A thirty-five-year-old native of Kentucky who had moved to Wyoming in 1982, Dr. Blue was an expert on hypothermia. He had almost died from it himself. His first summer in the Tetons, he fell thirty-five feet into a glacial moat one August day, clad only in shorts and a T-shirt. He suffered only minor injuries but drifted into sleep from the cold, and was saved when, after thirty-five or forty minutes, a companion climbed down, got a rope around him, and pulled him out.

Dr. Blue, who wrote a chapter called "Mountain Medicine" for a guidebook to Mt. Kenya and Mt. Kilimanjaro after a climbing trip to East Africa in 1980, says that Nicola's is the worst case of hypothermia he knows of in the Jackson Hole area in which the sufferer has survived. Not long after her accident, the staff at St. John's spent hours vainly attempting to revive two people who had lain in a snowbank overnight. Convinced that the pair were done for, the staff had nonetheless been mindful of an old saying relevant to hypothermia cases: "You're not dead till you're warm and dead." Dr. Blue kept this adage in mind the night Nicola came in.

When Dr. Blue first saw Nicola, she was unconscious, but was responsive to painful stimuli. Her body temperature, eighty-two degrees, was hardly encouraging. It is rare that a patient with a body temperature this low survives. The head cuts had cost her a lot of blood, but she could be shaved and stitched, and quick X-rays of her skull revealed no fractures. Her chest X-ray was normal. Her fingers and fingernails were suspiciously white—a possible early sign of frostbite; but, according to Dr. Blue's subsequent report, she had merely "first-degree frostbite with no long-term residual sequelae." He suspected rhabdomyolysis and myoglobinuria—two conditions caused by contusions or trauma of the muscle tissue as well as by intense cold, which can result in breakdown of muscle tissue and kidney damage. He thought that her chances, all things considered, were fifty-fifty.

Dr. Blue began at once to try to raise Nicola's temperature, injecting warm-water solutions by enema and by tubes inserted in her stomach and the veins of her arms. Both arms and both legs were wrapped in heated blankets, to raise the temperature of her extremities, so the blood inside them wouldn't be too cold when it worked its way back into her torso, with possibly damaging consequences for her heart. To find out whether she had any internal injuries, he did a peritoneal dialysis, a procedure entailing the insertion of a small catheter in the abdomen, through which a saline solution can be injected and withdrawn. If it comes out bloody, the next step is surgery. The results were positive, so she was taken to surgery—a surgeon had arrived to give Dr. Blue a hand—for a precautionary laparoscopy, an exploratory incision through the navel. This revealed not much more than that the little bleeding that had gone on in her abdomen had already stopped. By the time she was wheeled into intensive care, after more than four hours of examination and treatment, her temperature had risen to ninety-two. Some twelve hours after she had been admitted to the hospital, she was fully conscious and her body temperature was within normal limits. "When I woke up, I had tubes everywhere," she has said. "And I remember that one of the first things I said was 'You can take this oxygen away. I can breathe.' " Her hands were so cut and bruised and swollen that she couldn't use them. Her left shoulder ached, but a further X-ray showed nothing amiss there. She was fully aware of what had happened to her, and was articulate in discussing it. When she left the hospital, after five days, her discharge diagnoses read:

1. Severe hypothermia, resolved.
2. Rhabdomyolysis, secondary to trauma and hypothermia, improving.
3. Multiple scalp lacerations, sutured.
4. Multiple abrasions and contusions, improving.
5. Myoglobinuria, improving.
6. Incidental urinary-tract infection on treatment.
7. Headache.
8. Probable post-concussive syndrome vs. extra-cranial pressure phenomenon, doubt intra-cranial etiology.
9. Intra-abdominal bleed, resolved. No significant pathology.
10. Anemia blood loss. Transfused x 2 units.

Nicola's parents had flown to Jackson as soon as they got the news of

ASK ABOUT OUR SUMMER SPECIAL.
Now our Weekend Plan includes the three of you.
YOU TWO AND YOUR CAR.
$54.75* per person, per day, double occupancy.
Taxes included. Friday and Saturday nights.
Includes deluxe room. Continental breakfast, New York Times, box of gourmet chocolates, 2 "Big Apples," bottle of champagne and PARKING.
Enjoy our fashionable location, close to shops, theatre and entertainment and the warm hospitality and friendly welcome. Experience the Doral Park Avenue difference.
* Limited availability. Existing reservations cannot be converted—these rates do not apply to groups, conventions, etc.
DORAL PARK AVENUE
NEW YORK'S EXQUISITE, SMALL HOTEL
Park Avenue at 38th Street • New York 10016
Tel.: (212) 687-7050 • Telex: 968872
For reservations, call your travel agent or toll-free 800-847-4135.

Quiet Quality
THE TIDES INN
Box 339, Irvington, VA 22480
Mobil ☆☆☆☆ AAA◇◇◇◇
1-800-TIDES INN • VA: 800-552-3461

OshKosh B'GOSH
FREE CATALOG! from OLSEN'S MILL
Full-color catalog with over 130 styles of clothing for your entire family from OshKosh B'Gosh.®
Olsen's Mill, Hwy. 21, Box 2263, Dept. 35, Oshkosh, WI 54903 1-414-685-6688, Ext. 35

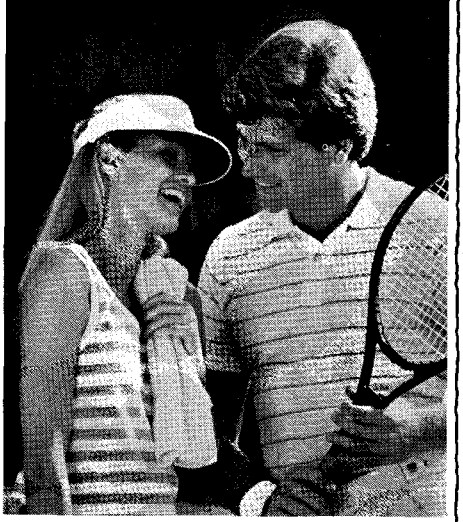
JANESVILLE® TAG-A-LONG
$35.
+ $3.00 UPS ($4.00 West Coast)
Visa, MC, or check
(608) 754-0026
Free Brochure
Solid Oak
1/4 size model of Coaster
Ideal for children to carry toys and dolls
8" x 16" Box
Oil finish
Rubber tires
Wisconsin Wagon Co., 507 Laurel, Janesville, WI 53545

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This is the life.

This is the resort that's one of a kind. With a five-star welcome and three 18-hole championship golf courses, 19 tennis courts, and superb dining. Plus horseback riding, trout fishing, skeet and trap, swimming pools, even its own Spa, all on 16,000 glorious Alleghany acres. Ask your travel agent or call us toll-free: 800-336-5771, *in Virginia* 800-542-5734.

THE HOMESTEAD®
HOT SPRINGS, VIRGINIA 24445



the accident, and they took her back to Lexington. She had lost twelve pounds. Her elbows, her neck, and her left kneecap were sore for a while. Today, she has small scars on her nose, over her right eye, and on both hands, but otherwise there have been no lasting effects. Just a month after leaving the hospital, she returned to Wyoming to resume her chores at Canyon Village. She tried no more mountain climbing, but she did drive down to the Tetons one day to look at Skillet Glacier, from a safe distance.

THIS summer, Nicola stayed at Colby except for a brief trip to visit a sister who is in the Central African Republic as a member of the Peace Corps. A.J. and Minio remained in Rhode Island. Andrew and Steve did return to Wyoming, to work at Yellowstone, but there were too many disturbing memories for Andrew to cope with, and he soon left. Steve had spent the previous January there, too, on a monthlong solo skiing trip, which he undertook to help sort out his thoughts. There was no particular physical danger. He is an expert skier, and the grizzlies were hibernating. He arranged for food drops along his path. The only reading matter he took along was "You Can't Go Home Again."

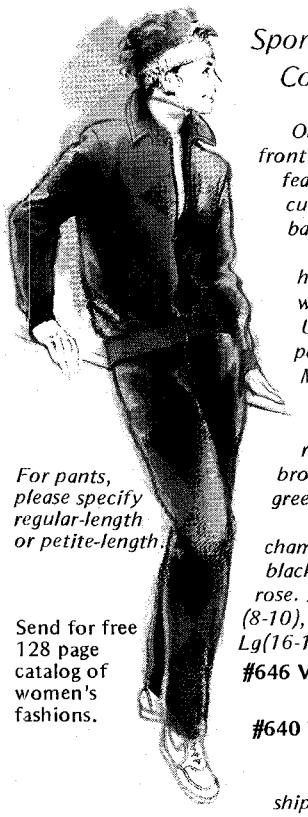
"There's not a day goes by that I don't think about what happened back there on that mountain, or about the people involved in some way," Steve said recently. "I've lost two or three friends who were climbing, but this was the first time when I was on the scene. You have *climbing* friends who get killed. They knew what they were getting into. Abby and the others might have taken a calculated risk, but they didn't know all the variables. I think I'll have a hard time going into the mountains again in that situation with somebody like them. The next time I climb on Moran, I'm not quite sure how I'll feel about it—bittersweet at best. The hard, cold fact is that I was the only one in that group who had any business that day being on that mountain." —E. J. KAHN, JR.

•

PET OF THE WEEK

Nannouk is a 10-week-old Spitz mix female and will grow to be medium sized. She does well inside. Sterilization is mandatory for anyone wanting to take her. —*Photo caption in the Mobile (Ala.) Register.*

Got any parakeets?



Sporty Velour Coordinates

Our sporty zip-front velour jacket features rib-knit cuffs and waistband. Matching pull-on pants have an elastic waist. Made in USA. Cotton/polyester knit. Machine wash and dry. In bright-wine, royal, mocha-brown, emerald-green, light-blue, soft-purple, champagne-beige, black or brilliant-rose. X-Sm(6), Sm (8-10), Med(12-14), Lg(16-18), X-lg(20).

For pants, please specify regular-length or petite-length.

Send for free 128 page catalog of women's fashions.

#646 Velour Jacket $49.95

#640 Velour Pants $36.95

Add $2.50 shipping charges

Order by mail or call 912-924-9371

THE TOG SHOP
766 Lester Square, Americus, GA 31710

The
Russian Tea Room

150 WEST 57 ST., NEW YORK
265-0947

937 Bestsellers

The U.S. Government Printing Office has put together a new catalog of the Government's bestselling books. Find out what Government books are all about. Send for your **free** catalog.

New Catalog
Post Office Box 37000
Washington, D.C. 20013

CHAPEL HILL, NORTH CAROLINA.
Retire to the midst of a 625 acre farm full of bluebirds, hollyhocks, belted galloway cows, shops, a country inn, and families of all ages.
Free brochure.
Call 800-334-5475.
Box 111N, Chapel Hill, NC 27514
FEARRINGTON

TIECLEANING Your ties deserve our expert touch.
by tiecrafters®
TIE CLEANING Richly hand finished. 4 min. $3.50 each
TIES NARROWED Reshaped & hand sewn. 4 min. $6. each
CLEAN/NARROW 4 ties min. $8. each
By mail add $2.50 Quality Care For Neckwear Since 1952.
tiecrafters® FREE "Tips on Ties"
116 E. 27 Street, New York, NY 10016 212 867-7676

WOMANSHIP
Learn to Sail Cruises
for and by women
Virgin Islands • Chesapeake Bay • Florida
Long Island • Pacific Northwest
"Womanship . . . the unique philosophy that confidence and team work are as important as the skills learned."
Yacht Racing and Cruising "Who's Who in Sailing," June 1985
137 Conduit St., Annapolis, MD 21401 (301) 269-0784

GOOD USED BOOKS
Since 1948, thousands of libraries and individuals have been buying regularly; you can too! Send a dollar for 20,000 typical titles and prices classified in over forty subjects.
EDITIONS DESK Y, BOICEVILLE, N. Y. 12412

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS

Families

UNLIKE the older American genre novelists (Sarah Orne Jewett, Willa Cather, James Gould Cozzens, John O'Hara, Eudora Welty, Jerome Weidman), who came in every size and style, the new American genre novelists (Berry Morgan, Mary Robison, Ann Beattie, Bobbie Ann Mason, Anne Tyler) share certain characteristics. They tend to deal with lower- and middle-class people in their teens, twenties, and thirties. Their prose is stripped down, minimalist. They are "ear" writers, who can be read aloud with pleasure, and they sometimes set whole books in the vernacular. They are often as funny as they are bleak. And they are totally free of genteelism. Two new and invaluable genre novelists have appeared. They are Robert Boswell, whose first novel, "Crooked Hearts," has been published by Knopf ($17.95), and Alice McDermott, whose second novel, "That Night," has been issued by Farrar, Straus & Giroux ($14.95).

Boswell, born in 1953 in Missouri, graduated from the University of Arizona and teaches English at Northwestern. His book—wise, finished, and frequently brilliant—is about present-day middle-class American family life. Families differ according to the thickness and strength of their blood. The Warrens, who are the protagonists of Boswell's book, fall somewhere between two classic types of American family—the so-called "incestuous" family and the Wasp family. Incestuous families, which are frequently deeply religious, are self-centered, self-sufficient, full of mutual admiration, intensely loyal, and scornful of outsiders. They are their own recharging world. Wasp families do not show emotion easily—they rarely even touch. Communication among themselves is difficult. The children like to please the parents—to the point of developing martyr complexes—and they are sometimes sly with one another. Their shared blood seems to embarrass them. The Warrens consist of Edward (he dislikes being called Eddie), a weak, good, long-winded failure in his mid-fifties; Jill, his angry, absorbent wife of twenty-eight years, in her late forties; and their children—Charley, twenty-six, Tom, twenty-one, Ask, two years younger, and Cassie, fifteen. Charley, like many first children, is obstreperous and devious. Tom is muddled and full of rectitude. Ask is thoughtful, direct, and unfailingly loyal, particularly to Tom. Cassie is tall and sleepy and beginning to bloom. The children war with one another, yet are devoted. Most of the book is set in Yuma, Arizona, a flat, hot place bordered by rolling desert and cactus forests, and full of trailer parks, shopping centers, and fast-food stores. The Warrens are unfashionable, mildly eccentric, and occasionally dangerous. They celebrate disasters—scholastic, professional, moral—with family parties, and ignore their rare triumphs. During the year or so the book covers, Charley gets Tom's girl pregnant while Tom is at college, then burns down his family's house, apparently because Edward, who worships him, will not let him go. Edward suffers a series of strokes and becomes imbecilic. Tom drops out of Berkeley in his first term—he is totally disoriented away from home. But there is nothing surreal about the Warrens. They are what functioning average families are—a fortress, an asylum, a supply depot, a training school, a launching pad.

"Crooked Hearts" is full of sorrow and counterbalancing humor. Like William Trevor, Boswell handles his disasters offhandedly. He is fond of dropping bombs on the reader, then, in his sweet time, going back and detailing what happened. The book is sown with American gothic. When Jill, who works in real estate, helps clean out a house for an absent client, she discovers a room full of grotesque porcelain figures of black men and women

"Priscilla, could we not talk tonight about your biceps?"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DO YOU TEACH ?
IF SO, PLEASE READ ON...

The New Yorker is delighted to introduce a new education program for teachers who want to share the magazine with their students. For information and materials to help you use The New Yorker in the classroom, please call Elaine Berman at (212) 840-3800 ext. 523 or write to her at the address below:

THE NEW YORKER
EDUCATION PROGRAM
25 West 43rd Street, New York, NY 10036

Just out of Santa Fe there's a place that's out of this world.

...a warm, elegant, casual, intimate ranch-resort in a magnificent setting 15 minutes north of Santa Fe. Superb food and accommodations, including new Pueblo Encantado 1-story condos adjacent to the 'enchanted ranch'.

Rancho Encantado
Route 4, Box 57C ny
Santa Fe, N.M. 87501
(505) 982-3537

HARBOR Candy Shop
Since 1956
Visit us on the main street where we make our candies —
Mail orders continue into the winter season
Send for our free catalog:
HARBOR CANDY SHOP
P.O. Box 498Y • Ogunquit, Maine 03907
207-646-8078

An Ideal Restorative
Aubergine
french restaurant and inn
207-236-8053
6 Belmont·Camden·Maine·04843

and photographs of Ku Klux Klan atrocities. Tom's new girl, Marriet, tells him of perversities she suffered when she lived in Los Angeles. A locked bedroom in Aunt Hannah's tiny house in Kentucky, where the Warrens spend a summer (she is Jill's older sister), is kept exactly as it was the day Hannah's husband died, many years before. A waitress Edward meets in a roadhouse across from Aunt Hannah's becomes so infatuated with him that she writes him every day for ten years, stopping only when she finds out about his infirmity.

Boswell's prose—conversational, easy, slow-turning—is completely in tune with his materials. There are no displays of technique, no misfiring metaphors. There is no folksiness. Every word earns its keep.

NOVELS were once panoramas, chronicles, labyrinths, whole subcontinents. A novel seemed to expand and multiply as it was read. But the movies have taken over those comprehensive tasks, and the novel has increasingly been made out of glimpses, incidents, small happenings. Its scope has become vertical rather than horizontal. Alice McDermott's "That Night" is centered on a single incident—a brief, dangerous, clumsy fight that takes place between some teen-agers and some grown men in a Long Island suburb in the early sixties. (American genre novels were once set on a variety of frontiers—the prairies, the lower East Side, the Maine woods, the upper East Side, and slow Southern dirt roads. But now they often take place on the last frontier—suburban housing developments.) The book plays with time. It begins with the fight, goes back a couple of hours, returns to the fight, moves forward several days, goes back a year, to the previous summer, then returns to the days following the fight, and, in due course, slides through the previous decade and the decade to come, always using the fight as its pivot. But there is nothing frenetic. The book goes along in an attractive slow motion—in the stately way that time itself moves.

Alice McDermott's writing has the same quality. She uses plain language, but she loves to string amplifying, overlapping clauses together: "For after this, after the cars and the sudden spinning onto her lawn, the boys with their chains and the fight and the chilling sound of her boyfriend's cry, after this, no small scenes could satisfy us, no muffled arguments, no dinner-at-eight celebrations, no sweet, damaged child, could make us believe we were living a vibrant life, that we had ever known anything about love." She is Henry James without the furbelows and bibelots and antimacassars.

The incident grows out of the relationship of two bleak high-school students—Sheryl (she is never given a surname) and Rick Slater. Separately, they are unfinished, even damaged, but as a pair they form a kind of whole. During the year before they start going together, Sheryl's father dies suddenly, of a heart attack, leaving her bereft but stoical and coolly melodramatic. She says to a neighbor, "If you knew everybody you loved was just going to end up disappearing, you'd probably say, Why bother, right? . . . I mean how logical is it for you to love somebody and then they just die, like you never existed?" She tells Rick that she is not afraid of dying. He believes her, as he believes everything she says; she is the first person who has ever loved him. His father, once a distracted general practitioner, has let his practice go and works as an assistant in a medical laboratory, while his mother, crazed and diffuse, spends most of her time in a state mental hospital. Alice McDermott's use of time builds a certain amount of suspense, and no more will be said of what happens to Sheryl and Rick, except that the battle in the opening pages is between Rick and his high-school friends and the men who live in Sheryl's neighborhood. The weapons are chains and baseball bats and snow shovels, and the engagement is useless and unheroic.

Alice McDermott's small, melancholy, lyrical book deals with life in the suburbs and with the old gulf between generations. But it is also about adolescent passion, which, despite the clichés surrounding it, is often so astonishing and empyreal that it is never matched, or even remembered properly, by its once dazzled victims. It is a passion that Sheryl and Rick can only circle.

—WHITNEY BALLIETT

•

SIDES SPLIT ON RENT-BOOST PLAN
—*Asbury Park (N.J.) Press.*

Always a hilarious subject.

•

Elsas and other researchers say they believe that aspartame can do more damage over a long period of time than federal health officials.—*Allentown (Pa.) Morning Call.*

Nonsense.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

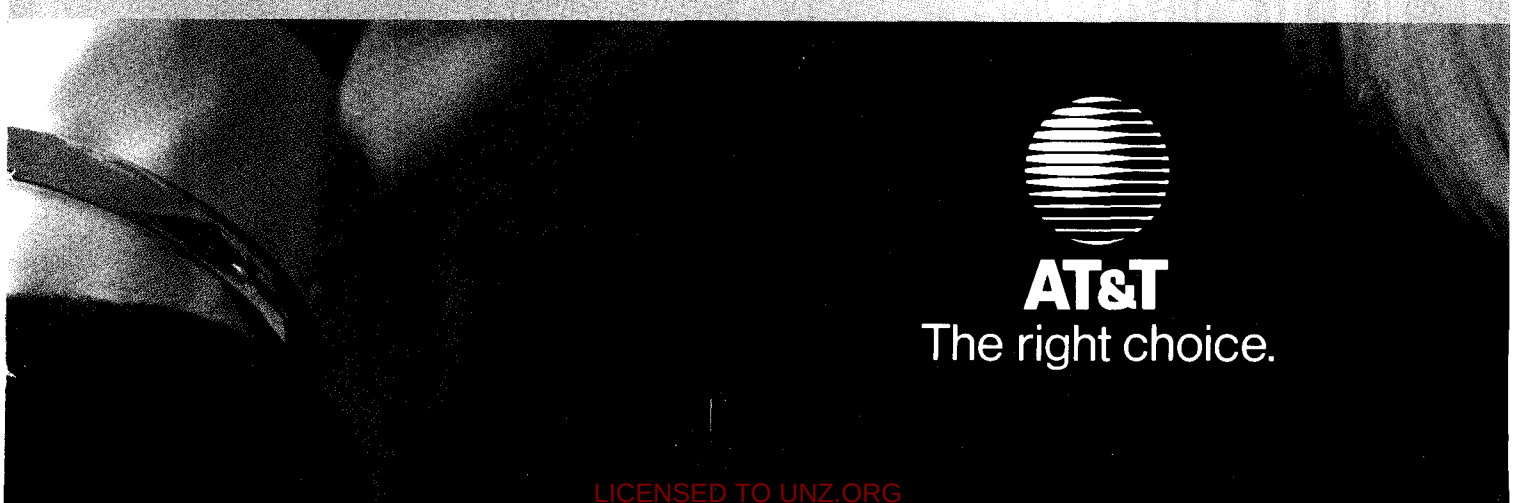
Congratulate the family's first lawyer. Call Germany.

Call your cousin and let her know how proud you are. With AT&T International Long Distance Service, it costs less than you'd think to stay close. So go ahead. **Reach out and touch someone.®**

GERMANY		
Economy	Discount	Standard
6pm-7am	1pm-6pm	7am-1pm
$ .71	$ .89	$1.18

AVERAGE COST PER MINUTE FOR A 10-MINUTE CALL*

*Average cost per minute varies, depending on the length of the call. First minute costs more; additional minutes cost less. All prices are for calls dialed direct from anywhere in the continental U.S. during the hours listed. Add 3% federal excise tax and applicable state surcharges. Call for information or if you'd like to receive an AT&T international rates brochure **1 800 874-4000.** © 1987 AT&T



AT&T

The right choice.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DEWAR'S PROFILE:

ALISTAIR BALLANTINE

HOME: Mombasa, Peking, Cairo, Delhi, London, Edinburgh, Bangkok, Nairobi, Kuala Lumpur; with a more permanent camp in darkest Connecticut.

AGE: 37

PROFESSION: President, Abercrombie & Kent Safaris, Inc.

HOBBY: Elephant polo at Tiger Tops in Nepal. "Once you know how, it doesn't get easier."

LAST BOOK READ: *Journey Without Maps*, Graham Greene.

LATEST ACCOMPLISHMENT: Organizing a balloon safari over Mt. Kilimanjaro. "Why climb when you can ride?"

WHY I DO WHAT I DO: "Because it's there."

QUOTE: "Boredom is perhaps the one thing everybody can do very well without."

PROFILE: Adventurous and enthusiastic. Has a real talent for getting others to see the world his way.

HIS SCOTCH: Dewar's® "White Label"® and soda. "Dewar's has always been first on my list of civilized necessities."

Property of
AMBASSADOR COLLEGE LIBRARY
Sandy, Texas

86.8 PROOF • © 1986 SCHIEFFELIN IMPORTS CO., P.O. BOX 1189, RADIO CITY STATION, N.Y., N.Y. 10101

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED